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THE NEW YORKER

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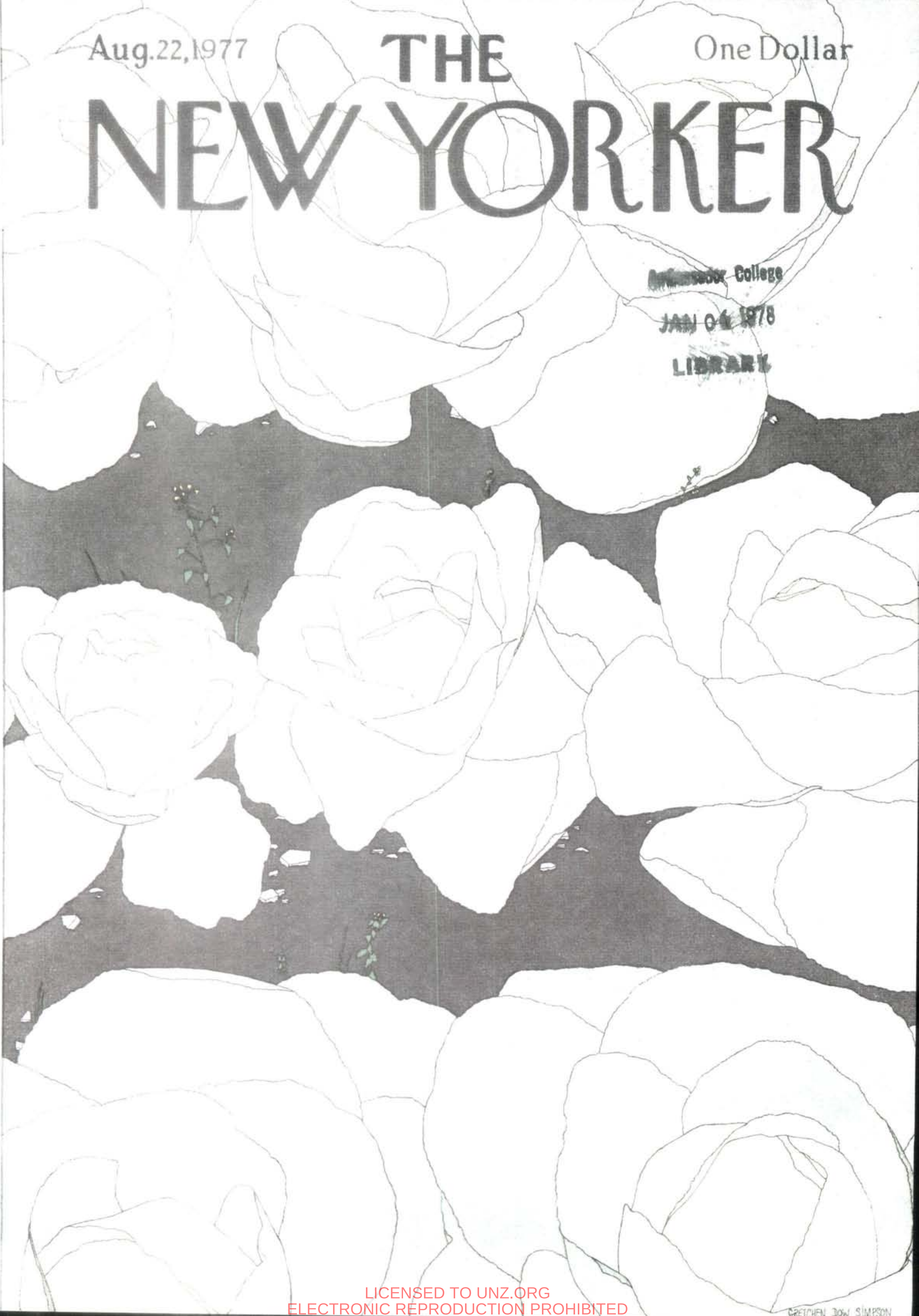

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THE SOFT LIFE AT BONWIT TELLER

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GOINGS ON ABOUT TOWN

A CONSCIENTIOUS CALENDAR OF EVENTS OF INTEREST

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THE THEATRE

PLAYS AND MUSICALS

Annie—Daddy Warbucks is transformed into a benign New Dealer, and Little Orphan Annie is not very waiflike, in this pleasant but uninspired musical. (Alvin, 250 W. 52nd St. 757-8646. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

The Basic Training of Pavlo Hummel—Al Pacino is superb in a revival of David Rabe's passionate play about the U.S. Army in Vietnam. (Longacre, 220 W. 48th St. 246-5639. Nightly, except Sundays, at 8. Closes Saturday, Sept. 3.)

Gemini—In Albert Innaurato's very funny comedy, a Harvard undergraduate, son of an Italian-American laborer, is paid a surprise visit by a pair of his classmates—a well-to-do brother and sister from Cambridge—and is thrown into a panic that at first appears to be social, but is actually sexual. With Danny Aiello as the father and Anne DeSalvo, Jonathan Hadary, and Robert Picardo, among other good actors. Peter Mark Schifter directed. (Little Theatre, 240 W. 44th St. 221-6425. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

I Love My Wife—Cy Coleman's winning music and Lenny Baker's clowning justify this mild musical examination of the sexual revolution in Trenton. (Ethel Barrymore, 243 W. 47th St. 246-0390. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

The Importance of Being Earnest—Line by line, Oscar Wilde's comedy is as funny as ever, but the unwieldy thrust stage of this theatre disperses it in all directions. The performance seldom achieves any unity of style, but Mary Louise Wilson is a wonderful Miss Prism, Patricia Conolly is exactly right as Gwendolen, and so is Munson Hicks as Algernon's servant, Lane. (Circle in the Square, Broadway at 50th St. 581-0720. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3. Closes Sunday, Aug. 28.)

The King and I—Yul Brynner is incandescent in this admirable revival of the Rodgers-Hammerstein musical. (Uris, 51st St. west of Broadway. 586-6510. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

Miss Margarida's Way—Estelle Parsons is very funny as a mad, despotic schoolteacher in what is virtually a one-woman show, by the Brazilian dramatist Roberto Athayde. Miss Margarida, who embodies every conceivable aspect of tyranny over her helpless pupils (and every conceivable aspect of lunacy as well), is more entertaining than most benign rulers, as presented with relish and skill by Miss Parsons. But the play, clever as it is, in a gleeful sort of way, is far too long. (Public, 425 Lafayette St. 677-6350. Tuesdays through Saturdays at 8. Matinées Sundays at 3. Closes Sunday, Sept. 4.)

Mummenschanz—A merry evening of pantomime with three masked players—Andrés Bossard and Bernie Schürch, from Switzerland, and Floriana Frassetto, from Italy. The masks are ingenious and surprising, and so are the ideas of this nimble troupe. (Bijou, 209 W. 45th St. 221-8500. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

Otherwise Engaged—Dick Cavett (Steven Sutherland takes over for him on Wednesday afternoons) is the star of Simon Gray's comedy about a London publisher who asks less of life than life is determined to give him. An able cast backs up Mr. Cavett, under the direction of Harold Pinter. (Plymouth, 236 W. 45th St. 246-9156. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

Sepia Star—A musical with a book by Ed Bullins and music by Mildred Kayden. Previews through Saturday *matinée*, Aug. 20. Opens officially on Saturday, Aug. 20, at 8, and will run through Sunday, Aug. 28. (Stage 73, 321 E. 73rd St. 490-0077. Thursdays through Sundays at 8. Matinées Saturdays and Sundays at 4.)

The Shadow Box—An impressive Broadway début by a young playwright named Michael Cristofer. The subject of his play is the difficulty in our society of facing the intolerable fact that we die; contrary to what one might expect, the play is not in the least a gloomy one. The superior cast has been ably directed by Gordon Davidson. (Morosco, 217 W. 45th St. 246-6230. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

Side by Side by Sondheim—Thirty-odd ravishing songs by Stephen Sondheim, well sung by some English and American admirers of our local laureate. (Music Box, 239 W. 45th St. 246-4636. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.)

Sly Fox—A superb adaptation, by Larry Gelbart, of Ben Jonson's "Volpone." Uproarious shenanigans by, among others, Robert Preston, Jack Gilford, and John Heffernan. The direction is by Arthur Penn. (Broadhurst, 235 W. 44th St. 247-0472. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

Unsung Cole—And quite a lot of sung Porter, too, as presented by a young quintet (2 m., 3 f.), with results that are in-and-out good but always agreeable. Among the unsungs is a beautiful number, "If Ever Married I'm," excised from "Kiss Me, Kate," and it is very well done here by Maureen Moore. The other singers, all of them promising and attractive, are Gene Lindsey, Mary Louise, Margery Cohen, and John Sloman. The program was conceived and directed by Norman L. Berman. Costumes by Carol Oditz. Lighting by Arden Fingerhut. (Circle Repertory Company Theatre, 99 Seventh Ave., S., at Sheridan Sq. 924-7100. Wednesdays and Thursdays at 7:30; Fridays and Saturdays at 7:30 and 10:30; and Sundays at 7:30. Closes Sunday, Sept. 4.)

Your Arms Too Short to Box with God—A whirlwind of gospel-sing and (if there is such a thing) gospel-dance, taken by Vinnette Carroll from the Book of Matthew. (Lyceum, 149 W. 45th St. JU 2-3897. Wednesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 2 and 5:30.)

Long Runs—bubbling brown sugar: Down Memory Lane in Harlem, which means the twenties, the Cotton Club, the Savoy, Ellington, Waller . . . A lane? A boulevard. (ANTA

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COVER: *Gretchen Dow Simpson*

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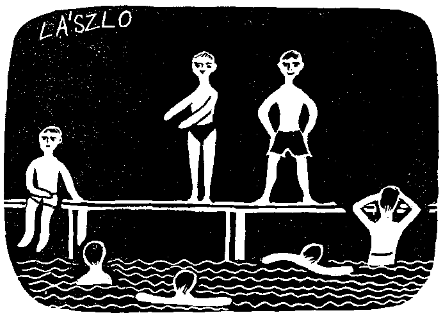

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Theatre, 245 W. 52nd St. 246-6270. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 2:30). . . **CHICAGO:** A musical that has nothing to do with its name and that intermittently comes to life, thanks to Jerry Orbach. Bob Fosse directed and choreographed. (46th Street Theatre, 226 W. 46th St. 246-4271. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2. Closes Saturday, Aug. 27.) . . . **A CHORUS LINE:** A group of young dancers audition for a handful of chorus jobs in a show not yet in rehearsal, and by the time the evening is over we know everything about all of them. A brilliant, innovative musical conceived, choreographed, and directed by Michael Bennett. Score by Marvin Hamlisch, lyrics by Edward Kleban, book by James Kirkwood and Nicholas Dante. (Shubert, 225 W. 44th St. 246-5990. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.) . . . **THE CLUB:** Eve Merriam's musical entertainment is set in a gentlemen's club in 1903, but the company consists of seven women, lightly disguised in top hats, white tie, and tails, who sing and dance to authentic, indelicate songs of the period. As feminist projects go, this one is unusually good-humored, and the singing, and especially the dancing, under Tommy Tune's direction, is proficient and pleasing. (Circle in the Square Downtown, 159 Bleecker St. 254-6330. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.) . . . **EQUUS:** Peter Shaffer's continuously exciting dance of exploration through the mind of a boy who loves horses, worships the quality of "horseness," and commits a dreadful crime in the name of that worship. With Leonard Nimoy, Ralph Seymour, and Beverly May. (Helen Hayes, 210 W. 46th St. 246-6380. Nightly, except Sundays, at 8. Matinées Wednesdays and Saturdays at 2.) . . . **THE FANTASTICKS:** 7,209 performances so far. (Sullivan Street Playhouse, 181 Sullivan St., at Bleecker St. 674-3838. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.) . . . **FOR COLORED GIRLS WHO HAVE CONSIDERED SUICIDE:** The marvellous poems and prose of an American writer, Ntozake Shange, are spoken and danced to by seven remarkably gifted young black women. The director, Oz Scott, must be given high credit for the captivating result. Choreography by Paula Moss. (Booth, 222 W. 45th St. 246-5969. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **GODSPELL:** A musical adaptation of the Book of Matthew, and once a numbing prologue is over, it becomes a joyful celebration of theatre itself. Songs by Stephen Schwartz. (Ambassador, 215 W. 49th St. 265-1855. Tuesdays through Saturdays at 8. Matinées Wednesdays, Saturdays, and Sundays at 2. Closes Sunday, Sept. 4.) . . . **GREASE:** A musical (score, book, and lyrics by Jim Jacobs and Warren Casey) that parodies, by faithful imitation, the songs and dances of the nineteen-fifties. The young cast performs capably and with spirit. (Royale, 242 W. 45th St. 245-5760. Tuesdays through Saturdays at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **THE MAGIC SHOW:** A wretched musical, but the magic tricks make up for it all. (Cort, 138 W. 48th St. 489-6392. Tuesdays through Saturdays at 7:30. Matinées Wednesdays, Saturdays, and Sundays at 2.) . . . **OH! CALCUTTA!:** A collection of short sketches that purport to give us a refreshing view of sex and do not. (Edison, 240 W. 47th St. 757-7164. Mondays through Fridays at 8, and Saturdays at 7 and 9:30. Matinées Wednesdays at 2.) . . . **SAME TIME, NEXT YEAR:** A new playwright named Bernard Slade has invented an Erector set of one-liners that should last a lifetime. With Hope Lange and Don Murray, directed by Gene Saks. (Brooks Atkinson, 256 W. 47th St. 245-3430. Nightly, except Sundays and Thursdays, at 8. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.) . . . **VANITIES:** In three acts, three Southern high-school girl cheerleaders change from all but identical "best friends" (1963) into quite different and incompatible New Yorkers (1974), in this amusing and gently ironic comedy by Jack Heifner. Garland Wright directed the attractive performance. (Downstairs at the Westside Theatre, 407 W. 43rd St. 541-8394. Tuesdays through Fridays at 8, and Saturdays at 7 and 10. Matinées Wednesdays at 2 and Sundays at 3.) . . . **THE WIZ:** An all-black production of a musical version of "The Wizard of Oz," with gorgeous scenery and costumes, tiresome music, and several first-rate performances. (Broadway Theatre, Broadway at 53rd St. CI 7-7260. Tuesdays through Saturdays at 7:30. Matinées Wednesdays and Saturdays at 2, and Sundays at 3.)

MISCELLANY

BEATLEMANIA—A multimedia and live-music production about the sixties, with four musicians doing thirty-seven songs written by John Lennon, Paul McCartney, and George Harrison. (Winter Garden, Broadway at 50th St. 245-4878. Tuesdays through Fridays at 8; Saturdays at 7 and 10; and Sundays at 7:30. Matinées Sundays at 3.)

BIG APPLE CIRCUS—A one-ring tent circus, sponsored by the New York School for Circus Arts. Comedy jugglers, acrobats, clowns, trapeze artists, and gymnasts. (Battery Park City. Wednesdays at 10:15 and 1; Thursdays through Saturdays at 1 and 7:30; and Sundays at 4. For information about tickets, call 586-3581.)

ICE SHOW—"Holiday on Ice," with Peggy Fleming. (Madison Square Garden, Eighth Ave. between 31st and 33rd Sts. 564-4400. Wednesday, Friday and Saturday at 7:30. Matinées Wednesday through Saturday at 2, and Sunday at 1 and 5. Closes Sunday, Aug. 21.)

NIGHT LIFE

(A highly arbitrary listing, in which bold-face type is used to pick out a few of the more notable performers in town. . . . ¶ Musicians and night-club proprietors live complicated lives that are subject to last-minute change; it is therefore always advisable to call ahead.)

ALI'S ALLEY, 77 Greene St., between Spring and Broome Sts. (226-9042)—Drummer Rashied Ali, the proprietor, has reopened his ground-floor night club-loft after a brief summer vacation. Drummer John Lewis is present with his group through Saturday, Aug. 20. Music from about ten. Closed Sundays.

AXIS IN SOHO, in the M. Elson Gallery, 463 West Broadway, between Houston and Prince Sts. (228-0882)—Contemporary jazz and organic apple juice. Drummer **BARRY ALTSCHUL,** who has spent quite a bit of time in lofts and other avant-garde contexts, leads his quartet on Friday and Saturday, Aug. 19-20; on Friday and Saturday, Aug. 26-27, **ROY HAYNES,** a drummer of the hard-bop period, will head up his quintet, the Hip Ensemble. Shows at nine and eleven-thirty.

BALLROOM, 458 West Broadway, between Houston and Prince Sts. (473-9367)—Martha Schlamme and Alvin Epstein present tributes to Brecht and Weill Tuesdays through Thursdays at eight-thirty and ten-thirty, and Fridays and Saturdays at nine-thirty and eleven-thirty. Dinner.

BAR NONE, 167 E. 33rd St. (684-3223)—The epitome of a New York bar: a pleasant, well-lit place, with old dark woodwork; a (somehow) simultaneously crusty and warm staff; and a cheerful, worldly-wise singer-pianist. Her name is **DARDANELLE,** and she doesn't emote, doesn't "put songs over," doesn't sock it to you—she just sings, clearly, effortlessly, and directly, and it's delightful. She's here from seven to midnight, Tuesdays through Fridays. Dinner.

BEEFSTEAK CHARLIE'S, 55 Fifth Ave., at 12th St. (675-4720)—Situated amid the high-rise dorms of New York University, the pleasantly relaxed cocktail lounge of this restaurant lures in fine musicians and a healthy number of customers—many of them students. The current performer in the picture-window music corner is **ROLAND HANNA,** a fiery pianist, who hunches over the keyboard, digs into the keys, and percussively coerces the music out. Music from nine until two Wednesdays and Thursdays, and from ten on Fridays and Saturdays.

BOTTOM LINE, 15 W. 4th St., at Mercer St. (228-6300)—Here's a partial lineup: Wednesday and Thursday, Aug. 17-18, will see Lonnie Liston Smith and his jazz-rock aggregation onstage; on Saturday and Sunday, Aug. 20-21, **GIL SCOTT-HERON,** the protest poet and rhythm-and-blues singer, will be on hand with composer, flutist, and pianist **BRIAN JACKSON** and their band; and on Friday, Aug. 26, flutist **JEREMY STEIG** and his group will begin trading sets with a band co-piloted by guitarist **LARRY CORYELL** and drummer **ALPHONSE MOUZON.** Shows Sundays through Thursdays at eight-thirty and eleven-thirty; Fridays and Saturdays at nine and midnight. Dinner.

BRADLEY'S, 70 University Pl., at 11th St. (228-6440)—A neighborhood bar with an abundance of dark pine panelling, good musicians, and patrons who like to talk. Pianist **JIMMY ROWLES,** one of the house favorites, works with a bassist through Saturday, Aug. 20. The Sunday chores are handled by **BARRY HARRIS** and his helpers. Music from ten most nights; from nine-thirty on Sundays. Dinner.

CAFÉ CARLYLE, Madison Ave. at 76th St. (RH 4-1600)—Piano stylist **GEORGE SHEARING,** aided by bassist **VICTOR GASKIN,** has the floor for two more weeks. His melodic turns and staid chords are familiar from his past work with his quintet—although he now does the inevitable "Lullaby of Birdland" in the manner of a Bach fugue, and has added an occasional breathy vocal to his repertory. Mondays through Fridays at nine-forty-five and eleven-forty-five. Dinner and supper.

C.B.G.B. & O.M.F.U.G., 315 Bowery, at Bleecker St. (982-4052)—A row of neon beer signs hangs overhead; lots of young, kinkily dressed patrons, band members, and friends of band members hang around. Thursday through Saturday, Aug. 25-27, Talking Heads, a rock quartet, will offer its repetitive, offbeat, harpsichordlike harmonies and its near-falsetto, chantlike vocals. Music most nights from nine-thirty. Monday is showcase night.

COOKERY, 21 University Pl., at 8th St. (OR 4-4450)—**GRETCHEN CRYER** and **NANCY FORD,** who write and sing songs about women and womanhood, alternate with pianist Jerry Wiggins while Helen Humes is on a two-week leave. Mondays through Saturdays. Blues pianist **SAMMY PRICE** performs Sundays. Music from eight to one. Dining.

EDDIE CONDON'S, 144 W. 54th St. (265-8277)—Bobby Gordon, Vic Dickenson, Warren Vaché, Jr., Jim Andrews, Connie Kay, and Red Balaban (who owns the place) are the traditionalists who usually make up the house band. Trumpeter **PEE WEE ERWIN** will sit in with them on Tuesday, Aug. 23. The music begins after nine-thirty. On Sundays, **SCOTT HAMILTON,** a young, swing-inspired tenor saxophonist, leads a quintet from eight-thirty. Dinner.

GREGORY'S, 1149 First Ave., at 63rd St. (371-2220)—Pianist **HOD O'BRIEN** works Wednesdays through Sundays with bassist Frank Luther and vocalist Alicia Sherman. Their hours run from ten to three, except on Sundays, when they begin at seven. Mondays and Tuesdays, pianist **AL HAIG,** guitarist **CHUCK WAYNE,** and bassist Jamil Nasser get together at ten. Weeknights, from five to ten, are given over to trumpeter Gene Roland, pianist Loumell Morgan, and bassist Morris Edwards.

HOPPER'S, 452 Sixth Ave., at 11th St. (260-0250)—**BARNEY KESSEL** and **HERB ELLIS,** whose jovial, wisecracking stage presence makes

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them the Bob and Ray of guitar duos, wind up their visit on Saturday, Aug. 20. Although they are supported by a fine bassist, JAY LEONHART, and an experienced (albeit occasionally leaden) drummer, Ronnie Bedford, Kessel and Ellis sound best when left alone to back up each other. Both men have been around a long while—they came up in the Charlie Christian era, they joined big bands, they've done a lot of recording-studio work on the West Coast, they played with the Oscar Peterson trio (Ellis succeeded Kessel)—and when they get down to business, they're a pleasure to watch. On Monday, Aug. 22, Billy Daniels will move in with his backup combo to sing "That Old Black Magic" and other tunes. Mondays through Thursdays at nine-thirty and eleven-thirty, and Fridays and Saturdays at nine-thirty, eleven-thirty, and one. No music Sundays.

JIMMY RYAN'S, 154 W. 54th St. (CO 5-9505)—ROY ELDRIDGE is at the wheel of a sextet that comprises drummer Eddie Locke, bassist Ted Sturgis, trombonist Bobby Pratt, clarinettist Joe Muranyi, and pianist Johnny Morris. On Mondays, Max Kaminsky heads the group. Music weeknights from nine-thirty to three. On Sundays, Kaminsky directs another group of musical archivists from eight until two.

MICHAEL'S PUB, 211 E. 55th St. (758-2272)—Singer Irene Kral and her trio—drummer Jackie Williams, bassist Milt Hinton, and pianist and ex-Woody Herman Herd arranger Alan Broadbent. Tuesdays through Saturdays from nine-fifteen. On Mondays, from nine-thirty to midnight, Woody Allen comes and goes, talking of Lorenzo Tio. Dinner and supper. Closed Sundays.

MIKELL'S, 760 Columbus Ave., at 97th St. (864-8832)—A crowded and animated upper West Side music bar that draws rhythm-and-blues, jazz-rock, and disco-funk bands. Music from ten until three. Dinner.

OTHER END, 149 Bleecker St. (673-7030)—ARLO GUTHRIE, possibly the world's most charming folkie, will perform Thursday through Saturday, Aug. 18-20; starting Wednesday, Aug. 24, the a-cappella quintet the PERSUASIONS will do remarkable street-corner interpretations of soul and gospel music. Shows most nights at nine and eleven-thirty; on Fridays and Saturdays at nine and midnight. Snacks.

RAINBOW ROOM, 30 Rockefeller Plaza. (PL 7-9090)—What a room; what a view. Drummer BOBBY ROSENGARDEN'S orchestra will take care of the music through Sunday, Aug. 21; then, on Tuesday, Aug. 23, Lee Castle and the Jimmy Dorsey orchestra will assume the musical chores. Tuesdays through Thursdays from seven to one, Fridays and Saturdays from eight to two, and Sundays from six to midnight. Dining and dancing.

RENO SWEENEY, 126 W. 13th St. (691-0900)—Perhaps the nicest cabaret in town. Judith Cohen, a short, wiry-haired, frenetic, and generally outrageous singer, appears Tuesdays through Thursdays at ten, and Fridays and Saturdays at nine and midnight. On Sunday and Monday, Aug. 21-22, Sarah Dash, one-third of the vocal trio Labelle, will go on at ten. Dining.

STORYVILLE, 41 E. 58th St. (755-1640)—A very big, square, but nonetheless warm downstairs room. Alto saxophonist PHIL WOODS leads a quintet through Saturday, Aug. 20; on Tuesday, Aug. 23, BILLY HARPER, a young, heavily Coltrane-influenced tenor saxophonist, will bring in his sextet. Music from ten to two-thirty. Closed Sundays and Mondays.

STRYKER'S, 103 W. 86th St., at Columbus Ave. (874-8754)—Alto saxophonist LEE KONITZ, always worth hearing, heads up his nonet on Tuesdays and a trio on Thursday, Aug. 25; singer Janet Lawson's trio is here on Wednesday, Aug. 17; guitarist JOE PUMA'S trio turns up on Thursday, Aug. 18, and his quartet will play on Wednesday, Aug. 24; trumpeter JIMMY MAXWELL works with a traditional sextet on Fridays. Music from nine-thirty. Closed Saturdays through Mondays.

SWEET BASIL, 88 Seventh Ave. S., at Bleecker St. (242-1785)—RANDY BRECKER, lately a jazz-disco trumpeter, and his quartet finish up on Saturday, Aug. 20; on Sunday and Monday, Aug. 21-22, trumpeter Tex Allen's quartet will take over; and on Tuesday, Aug. 23, bassist RON CARTER will arrive with his quartet. Music from nine-thirty. Dinner.

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21	22	23	24	25	26	27

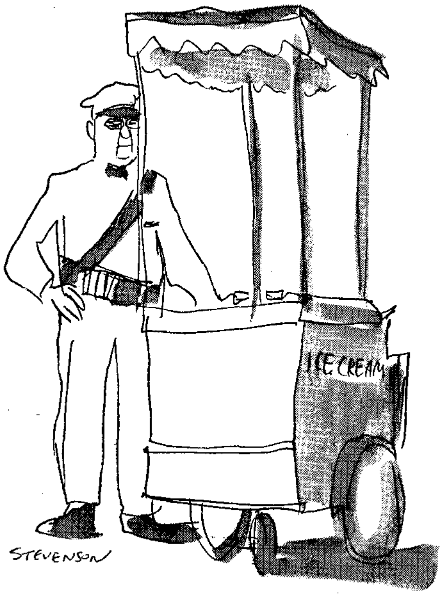
THIRD PHASE, 2864 Broadway, at 111th St. (749-0200)—Weekend swing-music repertory combos that are headed by a few authentic players from the swing era: Friday, Aug. 19, and Friday and Saturday, Aug. 26-27, boogie-woogie pianist SAMMY PRICE will drop by with his quartet; on Saturday, Aug. 20, tenor saxophonist George Kelly's Jazz Sultans will be on the bandstand. Music at nine-thirty and midnight. *Light menu, no liquor.*

VILLAGE GATE, 160 Bleecker St. (475-5120)—Daphne HELLMAN'S ANGELS (harp, guitar, bass) powered by their nonpareil guitarist, EDDIE BERG, play in the bar Tuesdays from nine-fifteen to midnight. The Top of the Gate, upstairs, has *the* double bill of the week: jazz-piano patriarch EARL HINES works opposite the venerable blues pianist, singer, and composer MEMPHIS SLIM through Sunday, Aug. 21. On Tuesday, Aug. 23, bassist CHARLES MINGUS will bring in his current quintet. Music from ten. Snacks.

VILLAGE VANGUARD, 178 Seventh Ave. S., at 11th St. (989-9011)—LEE KONITZ has brought his nine-piece ensemble downtown from Stryker's, where it plays regularly; it will be here through Sunday, Aug. 21. On Tuesday, Aug. 23, another, very different altoist—SONNY FORTUNE—will come in with his quintet. Where Konitz solos are pensive, winding, and smooth, Fortune's are impetuous, driving, and hard-edged. Mondays belong to tenor saxophonist and composer FRANK FOSTER and his rousing big band, the LOUD MINORITY. Music from ten.

WEST BOONDOCK, 114 Tenth Ave., at 17th St. (924-9723)—A popular, if out-of-the-way, relaxing, slow-paced bar that has red Afro-psychedelic walls, hundreds of gold Christmas-tree ornaments hanging from the ceiling, and a tiny (about five by ten feet), reputable soul-food kitchen. Another asset is pianist Sonelius Smith, who plays "Nature Boy," "Over the Rainbow," Red Garland's version of "Billy Boy," and other selections in a tongue-in-cheek variety of overlapping styles—he can sound like a cocktail pianist or noodle like Keith Jarrett or attack like Cecil Taylor. He is here Mondays through Wednesdays; Harris Simon has the Thursday-through-Sunday shift. Music from eight until two.

WEST END CAFÉ, 2911 Broadway, at 113th St. (666-8750)—Swing music has moved to the Third Phase, a couple of blocks south. Meanwhile, four-string guitarist TINY GRIMES has taken the Tuesday and Wednesday slot, and the rest of the week is given over to fledgling or more experienced groups. Music from nine-thirty to one-thirty every night but Monday.



JAZZ/FOLK/ROCK CONCERTS, PERSONAL APPEARANCES, ETC.

ARTIE SIMMONS OCTET—New York Jazz Museum, 236 W. 54th St. 765-2150. Saturday, Aug. 20, from 2 to 5.

KENNY ROGERS AND HIS ENSEMBLE—New York Jazz Museum. Sunday, Aug. 21, at 3.

PETER FRAMPTON—Madison Square Garden, Eighth Ave. between 31st and 33rd Sts. 564-4400. Monday through Wednesday, Aug. 22-24, at 8.

AC/DC and MICHAEL STANLEY BAND—Palladium, 126 E. 14th St. Wednesday, Aug. 24, at 7:30. For information about tickets, call 977-9020.

ART

(Unless otherwise noted, galleries are open Mondays through Fridays from around 10 or 11 to between 5 and 6.)

GALLERIES

GEORGE RICKEY—Eight stainless-steel kinetic sculptures, the largest thirty-five feet high. Through Sept. 24. (Hammarskjöld Plaza Sculpture Garden, Second Ave. at 47th St.)

GROUP SHOWS—At the ACQUAVELLA, 18 E. 79th St.: Paintings and sculptures by Frankenthaler, Caro, Kline, and others. Through Sept. 6. . . . DROLL-KOLBERT, 724 Fifth Ave., at 57th St.: Susan Crile, Charles Fahlen, and Pat Steir are three of the artists participating in a show of paintings, sculptures, and drawings. Through Sept. 2. (Closed Mondays.) . . . KENNEDY, 40 W. 57th St.: Works in a variety of mediums by such twentieth-century Americans as José de Creeft, Georgia O'Keeffe, Ben Shahn, and others. Through Friday, Aug. 19. . . . UNITED STATES COURT HOUSE, 40 Centre St., on Foley Square: Forty-three members of the Organization of Independent Artists are showing their works in the lobby of the Federal Courthouse and in the lunchroom on the fifth floor. Nearly all the works are wholly abstract. Through Sept. 16. (Mondays through Fridays, 9 to 5:30.) . . . WAUTERS, 1014 Madison Ave., at 78th St.: Eighty-two drawings from the nineteenth and twentieth centuries which afford some interesting contrasts—Delacroix nudes with one of Tom Wesselmann's, for instance. Through Sept. 17. (Closed Mondays; open Saturdays.)

Many galleries are closed in the summer. Others pull from their stock and mount shows of gallery artists, sometimes varying the content from week to week. Following is a purely arbitrary list of galleries that are open: ALEXANDER, 20 W. 57th St. (Closed Mondays.) . . . CASTELLI, 420 West Broadway. . . . CRISPO, 41 E. 57th St. (Mondays through Fridays, 11:30 to 4:30; Saturdays, 10:30 to 5:30.) . . . GENESIS, 41 E. 57th St. (Closed Mondays; open Saturdays.) . . . GIMPEL, 1040 Madison Ave., at 79th St. . . . KRAUSHAAR, 1055 Madison Ave., at 80th St. . . . PACE, 32 E. 57th St.

NEW TALENT SHOWS—At THE DRAWING CENTER, 137 Greene St., where unknown artists can show their works to professional curators three times a week, a selection from the works inspected last winter is on view. Through Saturday, Aug. 27. (Open Saturdays; open Wednesday evenings until 9.) . . . TRUMAN, 38 E. 57th St.: Included are works by Tom Williams, Sonya Rapoport, Stephen Larese, and Marc Boone. Through Thursday, Aug. 25. (Open Tuesdays through Thursdays.)

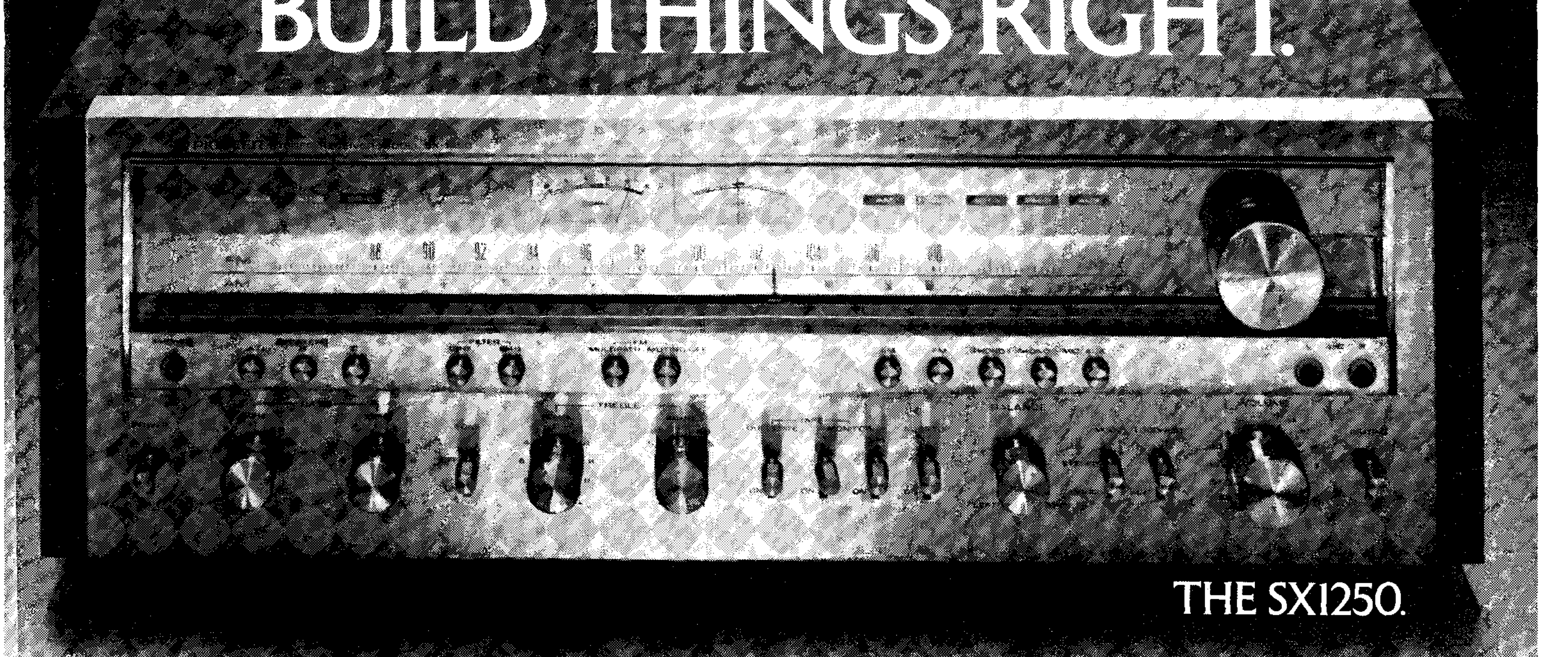
U.S. CUSTOM HOUSE, Bowling Green at the foot of Broadway—An ongoing free exhibition of performing and visual arts. Among the works on view are ten upright prisms, nine feet tall, by Charles Ross, which cast rainbows of light into odd corners of the fine old structure; a series of plaster figures by Carol Parker; and drawings by Mimi Gross Grooms (opening Saturday, Aug. 20). . . . ¶ Musical and/or dancing groups perform Wednesdays at 12:30, and Sundays at 3. Through Sept. 11. (Wednesdays through Sundays, 11 to 6.)

PHOTOGRAPHY

GEORGE N. BARNARD (1819-1902)—Civil War photographs. Through Sept. 24. (Helios, 18 E. 67th St. Closed for two weeks after Friday, Aug. 19.)

CHAUNCEY HARE—A show of interiors of homes and other spaces has been mounted by the

WHEN YOU'RE NOT IN A RUSH TO CATCH UP, YOU'VE GOT THE TIME TO BUILD THINGS RIGHT.



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Obviously, as a quick glance at all the buttons and dials above will tell you, these are only a few of the refinements that went into the SX1250.

But the important point is that no matter which Pioneer receiver you buy, you can be guaranteed that it got the same amount of time and energy that went into building the SX1250.

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Add 1.25 for handling mail and phone orders beyond our regular delivery areas.

GOINGS ON ABOUT TOWN

Museum of Modern Art. See below, under "Museums," for dates and times.

Edward Weston (1886-1958) / **Leland Rice**—Seventy-five photographs, some of them vintage prints, the others printed by Weston's sons Cole and Brett, and by George A. Tice. / Color photographs of paint-splattered artists' studios, and other works. Through Friday, Aug. 19. (Witkin, 41 E. 57th St.)

Clarence H. White (1871-1925)—Close to a hundred works by a founding member of the Photo-Secession. Through Sept. 11. (International Center of Photography, 1130 Fifth Ave., at 94th St. Open Sundays; closed Mondays.)

Impressions of Cuba—In March, seven photographers from the United States spent three weeks photographing the island from end to end, and this exhibit consists of a hundred and fifty of their works. Through Aug. 31. (Parsons School of Design, 2 W. 13th St.)

MUSEUMS AND LIBRARIES

Metropolitan Museum, Fifth Ave. at 82nd St.—"Thracian Treasures from Bulgaria" is an exhibition of exactly that, often wrought out of silver and gold. Through Sept. 4. . . . ¶ An exhibit covering nearly every aspect of the career of Edgar Degas, from early portraits to pastels of dancers and bathers. Also works by other artists (Ingres, Delacroix, Renoir, Hokusai) which are said to have influenced Degas. Through Sept. 4. . . . ¶ Paintings and graphics by Childe Hassam. Through Sept. 11. . . . ¶ A sumptuous exhibit of clothing and accessories from Russia that focusses on the eighteenth and nineteenth centuries and ranges from regional peasant costumes to the wedding dress of Catherine the Great. Through Aug. 30. (Open daily except Mondays. Hours: Tuesdays, 10 to 8:45; Wednesdays through Saturdays, 10 to 4:45; Sundays, 11 to 4:45.)

Museum of Modern Art, 11 W. 53rd St.—Prints and books published by the Paris art merchant Ambroise Vollard (1867-1939), who printed editions of, among others, Braque, Toulouse-Lautrec, Cézanne, and Picasso. Through Sept. 6. . . . ¶ Book jackets, posters, magazine covers, and such, juxtaposed with architectural models, furniture, decorations—all produced in Holland, Germany, and the Soviet Union between 1920 and 1940—in a show that underscores the relationship between graphics and other art forms. Through Oct. 31. . . . ¶ Recently acquired drawings by women artists, among them Mary Petty, Alexandra Exter, and Lee Krasner. Through Sept. 20. . . . **PHOTOGRAPHY:** Chauncey Hare. Through Oct. 23. (Open daily, except Wednesdays, 11 to 6, and Thursday evenings until 9.) . . . **NOTE:** The museum's sculpture garden, 8 W. 54th St., is open, free, Fridays through Sundays, 6 to 10. Informal concerts of experimental music Fridays and Saturdays at 8.

Guggenheim Museum, 1071 Fifth Ave., at 89th St.—A show of sixty-seven Paul Klee works executed between 1895 and 1940. Through Sept. 5. . . . ¶ The paintings and sculptures of forty modern European artists in a show that observes the museum's fortieth year. Through Sept. 11. . . . ¶ Paintings dating from the fifties to the present by Americans Jim Dine, Jo Baer, Raymond Parker, and others. Through Sept. 5. (Open daily except Mondays. Hours: Tuesdays, 11 to 8, with no admission charge from 5 to 8; Wednesdays through Sundays, 11 to 5.)

Whitney Museum, 945 Madison Ave., at 75th St.—The years 1890 to 1910 are covered in an exhibit of nearly three hundred paintings, graphics, and photographs, by Thomas Eakins, Mary Cassatt, Charles Dana Gibson, Gertrude Käsebier, and others. Through Oct. 2. . . . ¶ An exhibit of works of twentieth-century artists—Burchfield, Calder, Christo, Johns among them—from collections owned by Friends of the Whitney. Through Sept. 27. (Open daily except Mondays. Hours: Tuesdays through Fridays, 2 to 9, with no admission charge Tuesdays after 6; Saturdays, 11 to 6; Sundays, noon to 6. . . . ¶ Wednesday evenings, from 6:20 to 9, the Mostly Mozart Trio performs classical, jazz, and popular music in the sculpture garden.)

Brooklyn Museum, Eastern Parkway—"Two Centuries of Black American Art" includes paintings, sculptures, drawings, prints, crafts, and decorative objects, dating from 1750 to 1950, by such artists as Joshua Johnston, Horace Pippin, Palmer Hayden, Alma Thomas, and Romare Bearden. Through Sept. 5. (Open Wednesdays through Sundays. Hours: Wednesdays through Saturdays, 10 to 5; Sundays, noon to 5.)

American Museum of Natural History, Central Park W. at 79th St.—More than a hundred cone shells and cowrie shells collected from tropical waters and displayed in mirrored cases. Through Aug. 31. (Open daily. Hours: Weekdays, 10 to 4:45, and Wednesday evenings until 9; Sundays, 11 to 5.)

Cooper-Hewitt Museum, Fifth Ave. at 91st St.—An exhibit of sixteen large wooden models, built to scale, of villas, palaces, and churches designed in the sixteenth century by Andrea Palladio. In addition, photographs of the buildings as they appear today. Through Sept. 11. (Open daily except Mondays. Hours: Tuesdays, 10 to 9, with no admission charge; Wednesdays through Saturdays, 10 to 5; Sundays, noon to 5.)

Jewish Museum, Fifth Ave. at 92nd St.—A retrospective of the prominent American sculptor Chaim Gross includes as well drawings, watercolors, prints, and tapestries. Through Oct. 24. (Open daily except Fridays and Saturdays. Hours: Mondays through Thursdays, noon to 5; Sundays, 11 to 6.)

Museum of American Folk Art, 49 W. 53rd St.—A comprehensive exhibit of eighteenth- and nineteenth-century folk-art objects (frakturs, rugs, furniture, paintings, weathervanes, pottery) assembled from the collections of the museum's members. Through Sept. 3. (Open daily, except Mondays, 10:30 to 5:30.)

Museum of Contemporary Crafts, 29 W. 53rd St.—Sculptures, works on paper, and poetry are displayed jointly in a big show murkily entitled "The Object as Poet." It is intended to celebrate the interaction between a poet's work and a craftsman's work; in some cases the interaction is direct collaboration (Howard Moss and Cletus Johnson), and in others it is more tenuous, or even a one-man operation (Saul Steinberg, Margaret Israel, Betye Saar). Through Sept. 25. (Open daily except Mondays. Hours: Tuesdays through Saturdays, 11 to 6; Sundays, 1 to 6.)

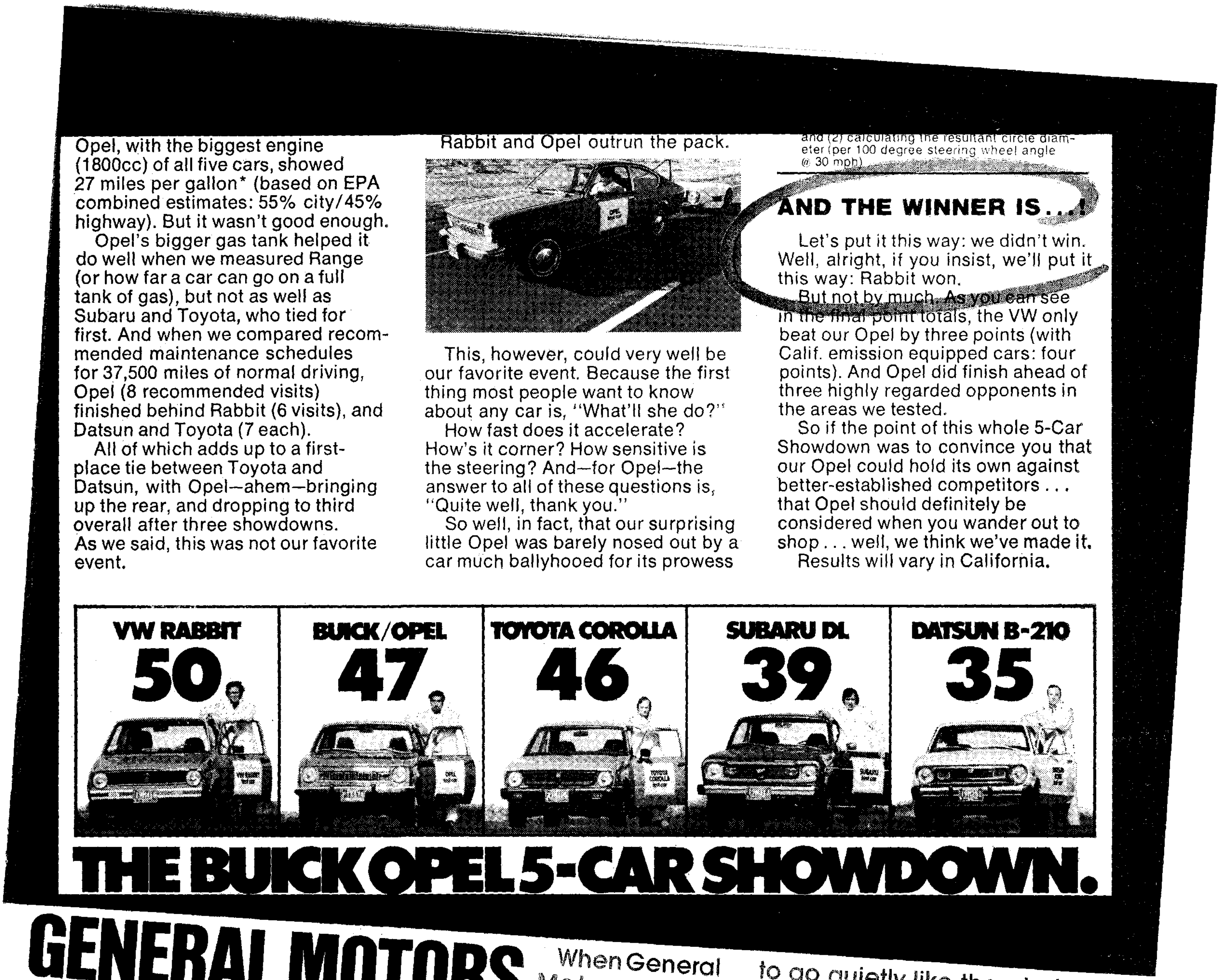
New York Public Library, Fifth Ave. at 42nd St.—Diaries kept by writers (Virginia Woolf, Sean O'Casey, Herman Melville, and William Inge among them) from the seventeenth century on make up the latest show from the Berg Collection. Through Sept. 16. (Open daily, except Thursdays and Sundays, 10 to 6.)

MUSIC

Mostly Mozart Festival—Final performances of a season of orchestral, chamber-music, and recital programs. All programs start at 8, with pre-concert recitals at 7. Wednesday, Aug. 17: Leonard Slatkin conducting the Mostly Mozart Festival Orchestra, with Emanuel Ax, piano, and Jessye Norman, soprano. . . . ¶ Thursday, Aug. 18: The Beaux Arts Trio and Richard Stoltzman, clarinet. . . . ¶ Friday and Saturday, Aug. 19-20: Lawrence Foster conducting the orchestra in an all-Mozart program, with Eugene Istomin, piano, and Ani Kavafian, violin. . . . ¶ Monday, Aug. 22, and Wednesday, Aug. 24: Mario Bernardi conducting the orchestra, with Rudolf Firkusny, piano. . . . ¶ Tuesday, Aug. 23: The Boston Symphony Chamber Players, with Mr. Firkusny. . . . ¶ Thursday, Aug. 25: Jean-Pierre Rampal, flute, and Jean-Bernard Pommier, piano, with Beverly Lauridsen, cello. . . . ¶ Friday and Saturday, Aug. 26-27: Mr. Rampal conducting the orchestra and acting as soloist in an all-Mozart program, with Mr. Pommier. (Avery Fisher Hall. TR 4-2424.)

IN THE COUNTRY

Berkshire Festival—Final performances of the season—Friday, Aug. 19, at 7: Susan Davenny Wyner, soprano, and Yehudi Wyner, piano. . . . ¶ Friday, Aug. 19, at 9: Seiji Ozawa directing the Boston Symphony and the Berkshire Music Center Orchestra in a benefit performance of Berlioz' Requiem, with Kenneth Riegel, tenor, and the Tanglewood Festival Chorus and Choir. . . . ¶ Saturday, Aug. 20, at 8:30: Andrew Davis directing the Boston Symphony, with Malcolm Frager, piano, and the Tanglewood Choir. . . . ¶ Sunday, Aug. 21, at 2:30: Andrew Davis conducting, with Mr. Riegel and Charles Kava-



Opel, with the biggest engine (1800cc) of all five cars, showed 27 miles per gallon* (based on EPA combined estimates: 55% city/45% highway). But it wasn't good enough.

Opel's bigger gas tank helped it do well when we measured Range (or how far a car can go on a full tank of gas), but not as well as Subaru and Toyota, who tied for first. And when we compared recommended maintenance schedules for 37,500 miles of normal driving, Opel (8 recommended visits) finished behind Rabbit (6 visits), and Datsun and Toyota (7 each).

All of which adds up to a first-place tie between Toyota and Datsun, with Opel—ahem—bringing up the rear, and dropping to third overall after three showdowns. As we said, this was not our favorite event.

Rabbit and Opel outrun the pack.

This, however, could very well be our favorite event. Because the first thing most people want to know about any car is, "What'll she do?"

How fast does it accelerate? How's it corner? How sensitive is the steering? And—for Opel—the answer to all of these questions is, "Quite well, thank you."

So well, in fact, that our surprising little Opel was barely nosed out by a car much ballyhooed for its prowess

and (2) calculating the resultant circle diameter (per 100 degree steering wheel angle @ 30 mph).

AND THE WINNER IS...!

Let's put it this way: we didn't win. Well, alright, if you insist, we'll put it this way: Rabbit won.

But not by much. As you can see in the final point totals, the VW only beat our Opel by three points (with Calif. emission equipped cars: four points). And Opel did finish ahead of three highly regarded opponents in the areas we tested.

So if the point of this whole 5-Car Showdown was to convince you that our Opel could hold its own against better-established competitors . . . that Opel should definitely be considered when you wander out to shop . . . well, we think we've made it.

Results will vary in California.

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lovski, horn. . . . ¶ Tuesday, Aug. 23, at 7: Linda Ronstadt and Bernie Leadon. . . . ¶ Friday, Aug. 26, at 7: A recital by Janos Starker, cello, and Gilbert Kalish, piano. . . . ¶ Friday, Aug. 26, at 9: Seiji Ozawa conducting the Boston Symphony, with Claudio Arrau, piano. . . . ¶ Saturday, Aug. 27, at 8:30: Joseph Silverstein conducting, with Mr. Starker. . . . ¶ Sunday, Aug. 28, at 2:30: Seiji Ozawa directing a performance of Mahler's Third Symphony, with Birgit Finnila, contralto; the Tanglewood Festival Chorus; and the Boston Boys Choir. (Tanglewood, Lenox, Mass. For information about tickets, call 977-9020, in New York.)

Saratoga Performing Arts Center—The Philadelphia Orchestra in a three-week season that ends on Saturday, Aug. 27—Wednesday, Aug. 17: Sarah Caldwell directing an all-Prokofieff program, with Magdalena Falewicz, soprano; Carol Randles, mezzo-soprano; John Reardon, baritone; Donald Gramm, bass-baritone; and the Saratoga-Potsdam Chorus. . . . ¶ Thursday, Aug. 18: Robert Shaw directing an all-Beethoven program, with Penelope Jensen, soprano; Florence Kopleff, mezzo-soprano; Seth McCoy, tenor; Thomas Paul, bass; and the Saratoga-Potsdam Chorus. . . . ¶ Friday, Aug. 19: Stanislaw Skrowaczewski conducting, with Garrick Ohlsson, piano. . . . ¶ Saturday, Aug. 20: William Smith conducting, with Earl Wild, piano. . . . [**NOTE:** A special concert will be given by Chuck Mangione on Tuesday, Aug. 23.] . . ¶ Wednesday, Aug. 24: Gunther Schuller conducting a program of ragtime, marches, and other American music; no soloists. . . . ¶ Thursday, Aug. 25: Robert Irving conducting, with Suzanne Farrell and Peter Martins, soloists from the New York City Ballet. . . . ¶ Friday, Aug. 26: Eugene Ormandy conducting, with Horacio Gutierrez, piano; Frank Kadarabek, trumpet; and Alan Wagner, baritone. . . . ¶ Saturday, Aug. 27: Eugene Ormandy conducting, with Pavel Kogan, violin. (Saratoga Springs. Evenings at 8:15. Through Monday, Sept. 5. For information about tickets, call 977-9020, in New York.)

Caramoor Festival—Final performances of the season—Saturday, Aug. 20, at 8:30: A piano recital by Philippe Entremont. . . . ¶ Sunday, Aug. 21, at 5:30: The Waverly Consort in a program of "Italian Music of the Late Renaissance." (Katonah, N.Y. For information about tickets, call 914 232-4206.)

Jacob's Pillow Dance Festival—Programs of ballet and modern and ethnic dancing. Through Saturday, Aug. 20: Dennis Wayne's Dancers. . . . ¶ Tuesday through Saturday, Aug. 23-27: Joyce Cuoco and Youri Vamos, the Contemporary Dancers of Winnipeg, and the Jacob's Pillow Dancers. (Lee, Mass. Tuesdays at 7:30 and Wednesdays, Fridays, and Saturdays at 8:40. Matinées Thursdays and Saturdays at 3. For information about tickets, call 977-9020, in New York.)

American Dance Festival—A week of performances in Newport. Friday and Saturday, Aug. 19-20: Dance Theatre of Harlem. . . . ¶ Sunday and Monday, Aug. 21-22: Don Redlich Dance Company. . . . ¶ Wednesday, Aug. 24: Annabelle Gamson. . . . ¶ Thursday, Aug. 25: Carmen de Lavallade. . . . ¶ Friday and Saturday, Aug. 26-27: Pilobolus Dance Theatre. (Rogers High School Auditorium, Wykeham Rd., Newport, R.I.: Evenings at 8.)

SPORTS

Baseball—**METS** at Shea Stadium: Vs. Cincinnati, Friday, Aug. 19, at 5:35 (twi-night double-header), and Saturday and Sunday, Aug. 20-21, at 2:05. . . . ¶ Houston, Monday, Aug. 22, at 8:05, and Tuesday, Aug. 23, at 2:05. . . . **YANKEES** at Yankee Stadium: Vs. Minnesota, Wednesday and Thursday, Aug. 24-25, at 8. . . ¶ Texas, Friday, Aug. 26, at 8, and Saturday, Aug. 27, at 2.

Professional Football—Jets vs. Pittsburgh Steelers, in an exhibition game. (Giants Stadium, the Meadowlands, East Rutherford, N.J. Saturday, Aug. 20, at 8.)

Golf—Westchester Classic. (Westchester Country Club, Harrison. Thursday through Sunday, Aug. 18-21.) . . ¶ Walker Cup Matches. (Shinnecock Hills Golf Club, Southampton. Friday and Saturday, Aug. 26-27.)

Racing—At **SARATOGA:** Weekdays at 1:30; through Saturday, Aug. 27. The Travers, Saturday, Aug. 20; the Diana Handicap, Monday, Aug. 22; the Seneca Handicap, Wednesday, Aug. 24; the Spinaway, Friday, Aug. 26; and the Hopeful, Saturday, Aug. 27. . . . **MONMOUTH PARK,** Oceanport, N.J.: Weekdays at 2; through Monday, Sept. 5. The Amory L. Haskell Handicap, Saturday, Aug. 20, and the Choice Handicap, Saturday, Aug. 27. (A special train leaves Penn Station for the track Saturdays at 12:05.) . . **ATLANTIC CITY,** Mays Landing, N.J.: Weeknights at 7:45; through Monday, Sept. 5. The Kelly-Olympic Handicap, Saturday, Aug. 20.

Trotting—At **YONKERS RACEWAY:** Weeknights at 8; through Saturday, Nov. 5. . . . **SARATOGA RACEWAY,** Saratoga Springs: Weeknights at 8:15; through Saturday, Nov. 19.

Yachting—America's Cup final trials, American yachts. (Newport. Through Monday, Sept. 5.) . . ¶ Manhasset Bay Yacht Club Race Week. (Manhasset. Wednesday through Sunday, Aug. 24-28.) . . ¶ The final elimination series for the right to challenge the United States in the America's Cup races. (Newport. Starting Thursday, Aug. 25.)

THE GREAT OUTDOORS

(If the weather looks doubtful, call the New York Parks Department, 755-4100, for news. The same number may be called for information about all free entertainment in the city.)

New York Shakespeare Festival—Free performances of a revived production of Andrei Serban's odd but often effective interpretation of **AGAMEMNON,** the terrifying play by Aeschylus. The second of two Beaumont Theatre productions being presented in the Delacorte Theatre this summer. (Central Park near W. 81st St. Nightly, except Mondays, at 8:30. Closes Sunday, Aug. 28. For information about tickets, call 535-5630.)

New York Philharmonic—Final concerts in the park. Erich Leinsdorf (with Gerard Schwarz, trumpet) will be conducting in **BOTANICAL GARDEN,** Bronx, Wednesday, Aug. 17, at 8:30. . . . **CUNNINGHAM PARK,** Queens, Saturday, Aug. 20, at 8:30. . . . **MARINE PARK,** Brooklyn, Monday, Aug. 22, at 8:30. . . . ¶ Andre Kostelanetz will be conducting in **VAN CORTLANDT PARK,** Bronx, Tuesday, Aug. 23, at 8:30.

Washington Square Park—The second of two performances of Shakespeare's "Twelfth Night," presented by the New York University Theatre Company. (Sunday, Aug. 21, at 2.)

Lincoln Center Out-of-Doors—A three-week festival of dance, chamber music, cabaret, country music, jazz, and street theatre. **LINCOLN CENTER PLAZA:** Thursday, Aug. 18, the New California Ramblers at noon and the Beaux Arts Trio at 6. . . . ¶ Friday, Aug. 19, Doris Hays' Sensevents at 6:15. . . . ¶ Sunday, Aug. 21, Paul Knopf's blues opera "The Ballad of Badass" at 8:15. . . . ¶ Monday, Aug. 22, Billy Taylor and the Jazzmobile All-Stars at noon and St. Luke's Chamber Orchestra at 8:15. . . . ¶ Tuesday, Aug. 23, Opening Day Community/Street Theatre Festival at 1, the Manna House Inner Space Ensemble at 2:30, and the Walter Nicks Dance Company at 5. . . . ¶ Wednesday, Aug. 24, the Dreamstuff Company's "Peter Pan" (for children) at 11, St. John's Street Theatre Company at 2:30, and the Garden Variety Mime Theatre at 5. . . . **DAMROSCH PARK:** Thursday, Aug. 18, at 8:15, Country Dance Festival. . . . ¶ Saturday, Aug. 20, at 8:15, the Philip Glass Ensemble performing "Music from Einstein on the Beach." . . . ¶ Sunday, Aug. 21, at 2, "Hispanic Memories," with Tito Puente's orchestra, Machito and his orchestra, and Son de la Loma Conjunto. . . . ¶ Wednesday, Aug. 24, at 8:15, Friends of Country Music Concert.

Wollman Rink—The final performances in the Dr Pepper Central Park Music Festival. Wednesday, Aug. 17: Peter Allen. . . . ¶ Friday and Saturday, Aug. 19-20: The David Bromberg Band and Leon Redbone. . . . ¶ Monday, Aug. 22: Heart and Aztec Two Step. . . . ¶ Wednesday, Aug. 24: Chuck Mangione with the Chuck Mangione Quartet. . . . ¶ Friday, Aug. 26: Melanie. . . . ¶ Saturday, Aug. 27: Leo Sayer and Cathy Chamberlain. (Evenings at 6:30. For information about tickets, call 249-8870.)

Jones Beach Theatre—A revival of **FINIAN'S RAINBOW,** with Beth Fowler and Christopher Hewett. (Nightly at 8:30; through Sunday, Sept. 4. For tickets, call 516 221-1000.)

Deep Breathing—The roadways in Central Park are closed to automobiles in favor of strollers and bicyclists from 10 to 4 Mondays through Fridays, and from 7 to 10:30 Tuesday and Wednesday evenings, as well as all day Saturdays and Sundays.

GOINGS ON ABOUT TOWN

THE MOVIE HOUSES

S	M	T	W	T	F	S
			17	18	19	20
21	22	23	24	25		

THE FILMS PLAYING THE REGULAR MOVIE HOUSES ARE DESCRIBED IN BRIEF IN THE SECTION BELOW

EAST SIDE

Art, 36 E. 8th. (GR 3-7014)
"In the Realm of the Senses."

St. Marks Cinema, 2nd Ave. at 8th. (533-9292)
Through Aug. 23: "Cousin, Cousine" and "Chloé in the Afternoon."
From Aug. 24: To be announced.

Gramercy, Lexington at 23rd. (GR 5-1660)
Through Aug. 18: "Cousin, Cousine."
From Aug. 19: "The Deep."

Murray Hill, 160 E. 34th. (685-7652)
"Star Wars."

34th St. East, 241 E. 34th. (683-0255)
Through Aug. 18: "March or Die."
From Aug. 19: "The Bad News Bears in Breaking Training."

Eastside Cinema, 3rd Ave. at 55th. (755-3020)
"The Kentucky Fried Movie."

Sutton, 3rd Ave. at 57th. (PL 9-1411)
"The Last Remake of Beau Geste."

Trans-Lux East, 3rd Ave. at 58th. (PL 9-2262)
Through Aug. 18: "New York, New York."
From Aug. 19: "The Bad News Bears in Breaking Training."

Fine Arts, 130 E. 58th. (755-6030)
"Sandakan 8."

Plaza, 42 E. 58th. (EL 5-3320)
"In the Realm of the Senses."

Baronet, 3rd Ave. at 59th. (355-1663)
"Pardon Mon Affaire."

Coronet, 3rd Ave. at 59th. (355-1663)
"The Other Side of Midnight."

59th St. East, 220 E. 59th. (688-0750)
"The Savage Is Loose."

D. W. Griffith, 235 E. 59th. (759-4630)
"Fantastic Animation Festival."

Cinema I, 3rd Ave. at 60th. (PL 3-6022)
"I Never Promised You a Rose Garden."

Cinema II, 3rd Ave. at 60th. (PL 3-0774)
"Outrageous."

Columbia I, 2nd Ave. at 64th. (832-1670)
"The Spy Who Loved Me."

Columbia II, 2nd Ave. at 64th. (832-2720)
"The Spy Who Loved Me."

Beekman, 2nd Ave. at 66th. (RE 7-2622)
"La Grande Bourgeoise."

68th St. Playhouse, 3rd Ave. at 68th. (RE 4-0302)
"The First Nudie Musical."

Loews Tower East, 3rd Ave. at 71st. (879-1313)
"Sinbad and the Eye of the Tiger."

72nd Street East, 1st Ave. at 72nd. (BU 8-9304)
Through Aug. 23: "Cousin, Cousine."
From Aug. 24: To be announced.

Trans-Lux 85th St., Madison at 85th. (BU 8-3180)
Through Aug. 18: "Annie Hall."
From Aug. 19: "New York, New York."

U. A. East, 1st Ave. at 85th. (249-5100)
"Fantastic Animation Festival."

Loews Orpheum, 3rd Ave. at 86th. (289-4607)
"Star Wars."

Loews Ciné, 3rd Ave. at 86th. (427-1332)
"The Spy Who Loved Me."

86th St. East, 3rd Ave. at 86th. (249-1144)
Through Aug. 18: "Orca."
From Aug. 19: "The Bad News Bears in Breaking Training."

R.K.O. 86th St. Twin 1, Lexington at 86th. (289-8900)
Through Aug. 23: "The Aristocats" and "The Littlest Horse Thieves."
From Aug. 24: "Cinderella" and "The Boatniks."

R.K.O. 86th St. Twin 2, Lexington at 86th. (289-8932)
Through Aug. 23: "Ruby."
From Aug. 24: To be announced.

WEST SIDE

Waverly, 6th Ave. at 3rd. (929-8037)
"Sinbad and the Eye of the Tiger."

Renoir Cinema, 100 Seventh Ave. S., at Sheridan Square. (873-8702; theatre opens in the late afternoon.)
Aug. 17: "Daughter of Deceit."
Aug. 18-24: "Illusion Travels by Streetcar."
From Aug. 25: "Death in the Garden."

8th St. Playhouse, 52 W. 8th. (674-6515)
"Fantastic Animation Festival."

Greenwich, Greenwich Ave. at 12th. (929-3350)
"A Bridge Too Far."

Quad Cinema, 34 W. 13th. (255-8800)
Theatre 1: Through Aug. 23: "New York, New York." From Aug. 24: "One on One."
Theatre 2: Through Aug. 23: "The Aristocats" and "The Littlest Horse Thieves." From Aug. 24: "Cinderella" and "The Boatniks."
Theatre 3: "The Kentucky Fried Movie."
Theatre 4: "The Little Girl Who Lives Down the Lane."

Guild, 33 W. 50th. (PL 7-2406)
"Sinbad and the Eye of the Tiger."

Music Hall, 6th Ave. at 50th. (757-3100)
"MacArthur."

Ziegfeld, 141 W. 54th. (765-7600)
"New York, New York."

Playboy, 110 W. 57th. (JU 6-4448)
Through Aug. 23: "Annie Hall."
From Aug. 24: To be announced.

Little Carnegie, 146 W. 57th. (246-5123)
"The Sensual Man."

Paris, 4 W. 58th. (688-2013)
"Black and White in Color."

Cinema 3, 2 W. 59th. (752-5959)
"Cría!"

Paramount, B'way at 61st. (247-5070)
"Fantastic Animation Festival."

Cinema Studio, B'way at 66th. (877-4040)
"Stroszek."

Embassy 72nd St., B'way at 72nd. (SC 4-6745)
"Man on the Roof."

Loews 83rd Triplex, B'way at 83rd. (877-3190)
Theatre 1: "Sinbad and the Eye of the Tiger."
Theatre 2: "A Bridge Too Far."
Theatre 3: Through Aug. 18: "Greased Lightning." From Aug. 19: "The Bad News Bears in Breaking Training."

New Yorker, B'way at 88th. (TR 4-9189)
"Chac."

Olympia, B'way at 107th. (865-8128)
Through Aug. 23: "Cousin, Cousine" and "Obsession."
From Aug. 24: "Orca" and "Lifeguard."

REVIVAL HOUSES

(These theatres are showing revivals exclusively, and for abbreviated runs. For reasons of space, or lack of it, only the films marked with a dagger are described in our "In Brief" section, further along.)

Bleecker St. Cinema, 144 Bleecker St. (674-2560)
Through Aug. 18: "Happy New Year" (1973), in French, directed by Claude Lelouch, with Lino Ventura and Françoise Fabian; and "And Now My Love" (1975), in French, directed by Claude Lelouch, with Marthe Keller and André Dussollier.
Aug. 19-20: "Small Change" (1976), in French, directed by François Truffaut; and "Bed and Board" (1971), in French, directed by François Truffaut, with Jean-Pierre Léaud and Claude Jade.
Aug. 21-22: "The Adventures of Sherlock Holmes" (1939), the second of the Basil Rathbone-Nigel Bruce Sherlock Holmes-Dr. Watson series; and "The Hound of the Baskervilles." (†)
Aug. 23: "Devil's Cleavage" (1975), directed by George Kuchar; and "Lonesome Cowboys" (1969), directed by Andy Warhol, with Viva, Joe Dallesandro, and Taylor Mead.
Aug. 24-25: "Repulsion" (†) and "The Tenant." (†)

Carnegie Hall Cinema, 7th Ave. at 57th. (757-2131)
Aug. 17: "Psycho" (1960), directed by Alfred Hitchcock, with Anthony Perkins, Vera Miles, John Gavin, and Janet Leigh; and "Diabolique" (1955), in French, directed by Henri-Georges Clouzot, with Simone Signoret, Vera Clouzot, and Paul Meurisse.
Aug. 18: "Why Worry?" (1923), directed by Fred Newmeyer, with Harold Lloyd; and "Steamboat Bill, Jr." (1927), directed by Charles Riesner, with Buster Keaton.
Aug. 19: "To Have and Have Not" (1944), directed by Howard Hawks, with Humphrey Bogart, Lauren Bacall, and Walter Brennan; and "The Treasure of Sierra Madre." (†)
Aug. 20: "Women in Love" (1970), directed by Ken Russell, with Glenda Jackson, Alan Bates, and Oliver Reed; and "The Virgin and the Gypsy." (†)
Aug. 21: "Pandora and the Flying Dutchman" (†) and "The Private Affairs of Bel Ami." (†)
Aug. 22: "A Woman Is a Woman" (1961), in French, directed by Jean-Luc Godard, with Anna Karina, Jean-Paul Belmondo, and Jean-Claude Brialy; and "Weekend." (†)
Aug. 23: "The Apartment" (†) and "One, Two, Three." (†)
Aug. 24: "Mickey" (1916), directed by Mack Sennett, with Mabel Normand; and "Down Memory Lane" (1949), an anthology of comedy films.
Aug. 25: "Girl Shy" (1924), directed by Fred Newmeyer, with Harold Lloyd; and "City Lights" (1931), directed by, and with, Charlie Chaplin.

Cinema Village, 22 E. 12th. (924-3363)
Through Aug. 18: "Pumping Iron" (1977), directed by George Butler and Robert Fiore, a documentary on body-building; and "Fortune and Men's Eyes" (1971), directed by Harvey Hart, with Wendell Burton and Michael Greer.
Aug. 19-20: "Taxi Driver" (1976), directed by Martin Scorsese, with Robert De Niro; and "Bang the Drum Slowly." (†)
Aug. 21-22: "Casablanca" (1942), directed by Michael Curtiz, with Humphrey Bogart, Ingrid Bergman, and Claude Rains; and "The Maltese Falcon" (1941), directed by John Huston, with Mary Astor, Humphrey Bogart, Sydney Greenstreet, Elisha Cook, Jr., and Peter Lorre.
Aug. 23: "Swept Away" (1975) and "The Seduction of Mimi" (1972), both films in Italian, directed by Lina Wertmüller.
Aug. 24-25: "End of the Road" (†); and "Marat/Sade" (1967), directed by Peter Brook, performed by the Royal Shakespeare Company.

Regency, B'way at 67th. (724-3700)
Through Aug. 20: "North by Northwest" (1959), directed by Alfred Hitchcock, with Cary Grant, Eva Marie Saint, and James Mason; and "The Thin Man" (1934), directed by W. S. Van Dyke, with Myrna Loy and William Powell.
Aug. 21-22: "The Women" (1939), directed by George Cukor, with Norma Shearer, Rosalind Russell, Joan Crawford, and

Paulette Goddard; and "Pat and Mike." (†)

Aug. 23-24: "Jailhouse Rock" (†); and "Elvis: That's the Way It Is" (1970), directed by Dennis Sanders, films of performances in Las Vegas.

From Aug. 25: "Seven Brides for Seven Brothers" (†) and "The Harvey Girls." (†)

THALIA, B'way at 95th. (222-3370)

Through Aug. 18: "I Am a Fugitive from a Chain Gang" (1932), directed by Mervyn LeRoy, with Paul Muni, Glenda Farrell, Edward Ellis, and Helen Vinson; and "White Heat" (1949), directed by Raoul Walsh, with James Cagney, Virginia Mayo, Edmond O'Brien, and Margaret Wycherly.

Aug. 19-20: "M*A*S*H" (1970), directed by Robert Altman, with Donald Sutherland, Elliott Gould, Tom Skerritt, and Sally Kellerman; and "California Split" (1974), directed by Robert Altman, with George Segal and Elliott Gould.

Aug. 21-23: "42nd Street" (†) and "Moulin Rouge," a French musical from the thirties.

Aug. 24-25: "The Medium" (†) and "First Position." (†)

THEATRE 80 ST. MARKS, 80 St. Marks Pl. (254-7400)

Through Aug. 18: "Beat the Devil" (1954), directed by John Huston, with Humphrey Bogart, Jennifer Jones, Gina Lollobrigida, Robert Morley, and Peter Lorre; and "The Big Heat" (1953), directed by Fritz Lang, with Glenn Ford, Gloria Grahame, Alexander Scourby, and Lee Marvin.

Aug. 19-20: "Frenzy" (1972), directed by Alfred Hitchcock, with Jon Finch, Barry Foster, Vivien Merchant, and Alec McCowen; and "Games." (†)

Aug. 21-22: "Tonight and Every Night" (†) and "Miss Sadie Thompson." (†)

Aug. 23: "Ministry of Fear" (†) and "Scarlet Street." (†)

Aug. 24-25: To be announced.

FILM LIBRARIES, ETC.

ROY AND NIUTA TITUS AUDITORIUM, Museum of Modern Art, 11 W. 53rd St. (956-7078)—Aug. 18 at 2:30: "Captain of the Guard" (1930), directed by John S. Robertson and Paul Fejos, with John Boles and Laura La Plante. . . . ¶ Aug. 18 at 6: "Moonlight and Pretzels" (1933), directed by Karl Freund, with Mary Brian. . . . ¶ Aug. 18 at 8:30: "Tom Brown of Culver" (1932), directed by William Wyler, with Tom Brown and Andy Devine; and "The Stolen Ranch" (1926), directed by William Wyler. . . . ¶ Aug. 19 at 2:30: "See America Thirst" (1930), directed by William James Craft, with Harry Langdon and Bessie Love. . . . ¶ Aug. 19 at 6: "American Madness" (1932), directed by Frank Capra, with Walter Huston and Pat O'Brien. . . . ¶ Aug. 20 at noon: "Tom Brown of Culver.". . . ¶ Aug. 20 at 2:30: "A House Divided" (1932), directed by William Wyler, with Walter Huston and Helen Chandler; and "Blazing Days" (1927), directed by William Wyler. . . . ¶ Aug. 20 at 5: "Counsellor-at-Law" (1933), directed by William Wyler, with John Barrymore and Bebe Daniels. . . . ¶ Aug. 21 at noon: "Trail of the Vigilantes" (1940), directed by Allan Dwan, with Franchot Tone, Broderick Crawford, and Andy Devine. . . . ¶ Aug. 21 at 2:30: "Little Man, What Now?" (1934), directed by Frank Borzage, with Margaret Sullavan. . . . ¶ Aug. 21 at 5: "The Struggle" (1931), directed by D. W. Griffith, with Hal Skelly and Zita Johann. . . . ¶ Aug. 22 at noon: A program of three short films. . . . ¶ Aug. 22 at 2:30: "Counsellor-at-Law.". . . ¶ Aug. 22 at 6: "Night World" (1932), directed by Hobart Henley, with Lew Ayres and Boris Karloff. . . . ¶ Aug. 23 at noon: A program of three short films. . . . ¶ Aug. 23 at 2:30: "At the Edge of the World" (1927), directed by Karl Grune, with Brigitte Helm and Wilhelm Dieterle; English inter-titles. . . . ¶ Aug. 23 at 6: "Sutter's Gold" (1936), directed by James Cruze, with Edward Arnold. . . . ¶ Aug. 25 at 2:30: "Night World.". . . ¶ Aug. 25 at 6: "Bad Sister" (1931), directed by Hobart Henley, with Conrad Nagel and Bette Davis. . . . ¶ Aug. 25 at 8:30: "The Tower of London" (1939), directed by Rowland V. Lee, with Basil Rathbone, Boris Karloff, and Vincent Price. (A limited number of tickets are available, but only to those applying for them in person at the museum after 11 on the day of the showing.)

IN BRIEF

SEE ABOVE FOR THEATRE ADDRESSES AND TELEPHONE NUMBERS.
IF A MOVIE HAS BEEN REVIEWED IN THESE PAGES DURING THE PAST TWO YEARS, THE DATE OF ITS REVIEW IS GIVEN.

ANNIE HALL—Woody Allen's newest film—very funny, very close to his own bone. The hero, called Alvy Singer and played by Mr. Allen, is a skinny redhead whose anxieties are not small ones. His beguiling girl is played by Diane Keaton, for whom Mr. Allen has written a splendidly funny and loving part. (Reviewed in our issue of 4/25/77.) (Trans-Lux 85th St.; through Aug. 18. . . . ¶ Playboy; through Aug. 23.)

THE APARTMENT (1960)—Billy Wilder directed this acrid story as if it were a comedy, which is a cheat, considering that it involves pimping and a suicide attempt and many shades of craven ethics. Jack Lemmon plays the hero, which is also a cheat, because Lemmon is funny and likable, and the character's behavior is neither. Only Wilder could possibly have got away with it as much as he does. Shirley MacLaine is the co-star. (Carnegie Hall Cinema; Aug. 23.)

THE ARISTOCATS (1970)—A full-length animated film from the Disney studios about cats and a fortune and an evil butler. Mildly entertaining. (R.K.O. 86th St. Twin 1, and Quad Cinema; through Aug. 23.)

THE BAD NEWS BEARS IN BREAKING TRAINING—With William Devane and Clifton James, directed by Michael Pressman. (34th St. East, Trans-Lux East, 86th St. East, and Loews 83rd Triplex; starting Aug. 19.)

BANG THE DRUM SLOWLY (1973)—A fictional story, with very good offhand dialogue by Mark Harris (based on his own novel), about an ace pitcher locked in alliance to a dumb catcher dying of Hodgkin's disease, whom he once hated for slow-wittedness. Directed by John Hancock, with Michael Moriarty as the pitcher and Robert De Niro as the doomed catcher. (Cinema Village; Aug. 19-20.)

BLACK AND WHITE IN COLOR—Directed by Jean-Jacques Annaud; at first anecdotal, then ironic and sharp and charming. The scene is West Africa in 1915, when the local French and German garrisons learn that they are at war. The hero is a good-looking, decisive French geographer called Hubert (Jacques Spiesser), who turns a tribe into a pukka regiment. In French. (5/23/77) (Paris.)

THE BOATNIKS (1970)—From Disney: Robert Morse, Stefanie Powers, and Phil Silvers in a comedy about the Coast Guard and a trio of crooks. (R.K.O. 86th St. Twin 1, and Quad Cinema; starting Aug. 24.)

A BRIDGE TOO FAR—A film too long. Inaccurate, to boot. About Arnhem in the Second World War, with a list of stars of whom only Laurence Olivier is worth your ticket money. (6/20/77) (Greenwich, and Loews 83rd Triplex.)

CHAC—A film about the Mayan Indians today, directed by Rolando Klein. In the Tzeltal and Mayan dialects. (New Yorker.)

CHLOÉ IN THE AFTERNOON (1972)—Will the squeamish, married hero (Bernard Verley) break down and go to bed with bohemian Chloé (Zouzou), or won't he? The author-director, Eric Rohmer, a specialist in the eroticism of nonsexual affairs, is a lapidary craftsman who works on a very small scale. This movie is, in its way, just about perfect, but it's minor, and so polished that it practically evaporates a half hour after it's over. In French. (St. Marks Cinema; through Aug. 23.)

CINDERELLA (1950)—A full-length Walt Disney animated film. (R.K.O. 86th St. Twin 1, and Quad Cinema; starting Aug. 24.)

COUSIN, COUSINE (1976)—Jean-Charles Tacchella's cheerful film about a big family and two Rabelaisian apostates within it. In French. (Gramercy; through Aug. 18. . . . ¶ St. Marks Cinema, 72nd Street East, and Olympia; through Aug. 23.)

CRÍA!—A moving Spanish film, set in Madrid, with Ana Torrent as a nine-year-old called Ana. Her mother and her adult self are both played with great beauty by Geraldine Chaplin. Carlos Saura directed, and wrote the screenplay himself. Surrounded by deaths—of her mother, her father (discovered by her in bed with her mother's best friend), her guinea pig—the child has a delicate sense of play; there is a marvellous scene in which she and her sisters dress up and make up and talk as they imagine grownups do when alone together. In Spanish. (6/6/77) (Cinema 3.)

DAUGHTER OF DECEIT (1951)—Directed by Luis Buñuel, in Mexico. In Spanish. (Renoir Cinema; Aug. 17.)

DEATH IN THE GARDEN (1956)—With Simone Signoret and Georges Marchal, directed by Luis Buñuel. In French. (Renoir Cinema; starting Aug. 25.)

THE DEEP—Don't plunge. From the Peter Benchley novel, with Robert Shaw, Jacqueline Bisset, and Nick Nolte; directed by Peter Yates. (7/4/77) (Gramercy; starting Aug. 19.)

END OF THE ROAD (1970)—The John Barth 1958 novel is about a triangle in an academic setting, and the best scenes in the movie are the quiet ones that are closest to the spirit of the book. But most of the time the director, Aram Avakian, and his co-screenwriters, Dennis McGuire and Terry Southern, feverishly pound us with shock effects and apocalyptic messages. Gordon Willis's camerawork is often beautiful, the optical effects are sometimes elegant, and the sets and details are often remarkably fine, but the absurdist point of view has too self-congratulatory a tone. Guns and American flags are the running shticks of the movie, and the performers (Stacy Keach as the catatonic hero, Dorothy Tristan, Harris Yulin, and James Earl Jones) are intercut with mushroom clouds, atrocities, and the moon shot. (Cinema Village; Aug. 24-25.)

FANTASTIC ANIMATION FESTIVAL—A film made up of sixteen award-winning animated short subjects. (D.W. Griffith, U.A. East, 8th St. Playhouse, and Paramount.)

THE FIRST NUDIE MUSICAL—A spoof of low-budget porno films and the musical comedies of the thirties and forties, with Stephen Nathan, Cindy Williams, and Bruce Kimmel; directed by Mr. Kimmel and Mark Haggard. R-rated. (68th St. Playhouse.)

FIRST POSITION (1973)—William Richert's film about the daily lives of several students and teachers at a ballet school. (Thalia; Aug. 24-25.)

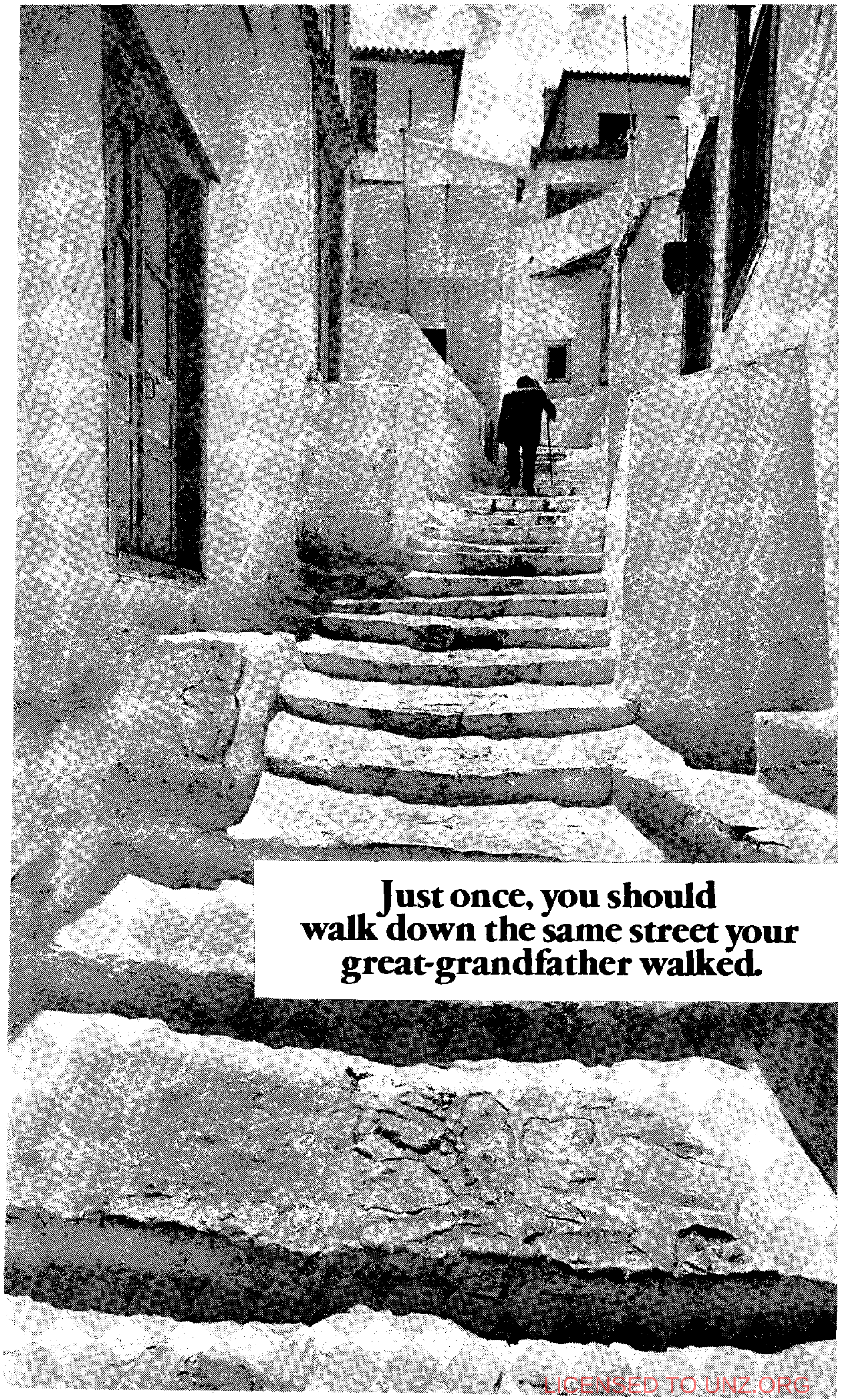
42ND STREET (1933)—This big, cheerful Warners musical was an unofficial remake of the 1929 "On with the Show," but it gave new life to the clichés that have kept parodists happy; what's surprising is how organic the clichés once were. The cast includes Warner Baxter, Bebe Daniels, Dick Powell, Ruby Keeler, George Brent, and Ginger Rogers. The songs, by Al Dubin and Harry Warren, include "Shuffle Off to Buffalo" and "You're Getting to Be a Habit with Me." Lloyd Bacon directed. (Thalia; Aug. 21-23.)

GAMES (1967)—James Caan as a cold-blooded, fortune-hunter husband, Katharine Ross as his rich, bewildered wife, and Simone Signoret as a mysterious woman in black, fond of gazing into her crystal ball, in a Manhattan-set thriller, with twists that don't do as much for us as they need to. You have to be a real addict to put up with this one. Corpses are encased in plaster to resemble sculpture by George Segal, and the ambience is meant to be chic and modern, but the story is uninvolving, and Curtis Harrington's directing lacks pace. It's handsomely got up, however, and the good cast includes Don Stroud, Estelle Winwood, George Furth, Florence Marly, and Kent Smith. (Theatre 80 St. Marks; Aug. 19-20.)

LA GRANDE BOURGEOISE—A noble, beautiful piece of work by Mauro Bolognini, set in the Italy of 1897. The story has the quality of a fable. The Countess (Catherine Deneuve), daughter of the famed and powerful house of Murri, is married to a boorish doctor but in love with her brother (played by Giancarlo Giannini). Luck flickers around the apparently blessed Murris, children of a great scholar (played by Fernando Rey). The Murris are rich Socialists; they excite the rage and envy of poorer fellow-Socialists and traditional monarchists alike. Bolognini has made an intellectually exquisite film. In French and Italian. (8/8/77) (Beekman.)

GREASED LIGHTNING—With Richard Pryor, Beau Bridges, Pam Grier, and Cleavon Little; directed by Michael Schultz. (Reviewed in this

All of us come from someplace else.


Just once, you should walk down the same street your great-grandfather walked.

Picture this if you will.

A man who's spent all his life in the United States gets on a plane, crosses a great ocean, lands.

He walks the same streets his family walked centuries ago.

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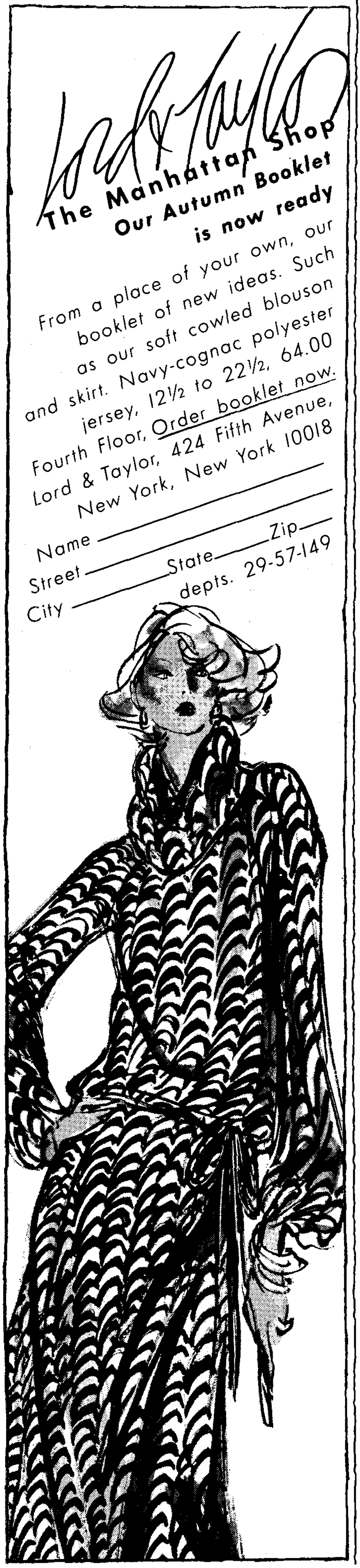

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GOINGS ON ABOUT TOWN

issue.) (Loews 83rd Triplex; through Aug. 18.)

The Harvey Girls (1946)—In this lavish, high-spirited M-G-M period musical, Judy Garland leads the forces of respectability (the clean, starched waitresses who serve travellers food only), and Angela Lansbury is the wicked, glittering dance-hall queen whose girls provide God-knows-what illicit pleasures. The central conceit of glorifying progress and moral uplift in a musical comedy set in New Mexico in the eighteen-eighties is certainly a strange one, but it worked out surprisingly well—though the charm is mostly heavy. With John Hodiak (an ill-chosen romantic partner for Judy Garland) and Ray Bolger, Cyd Charisse, Marjorie Main, Kenny Baker, Virginia O'Brien, Chill Wills, Selena Royle, and Preston Foster. There is, of course, the deservedly famous classic number "On the Atchison, Topeka, and the Santa Fe"—it's one of the triumphant sequences in screen-musical history—as well as a batch of other Johnny Mercer and Henry Warren songs, including "The Wild, Wild West" and "It's a Great Big World." George Sidney directed. (Regency; starting Aug. 25.)

The Hound of the Baskervilles (1939)—"Murder, my dear Watson," Holmes announces, with undisguised satisfaction, in this handsome, gripping, semi-serious version of the Conan Doyle story—the first appearance of Basil Rathbone as Sherlock Holmes. Immaculately right in the role, Rathbone played Holmes suavely (though with diminishing wit) for the next eight years, always with Nigel Bruce as his bumbling Dr. Watson. Here, among the moors and mists, Holmes investigates the mystery involving "the footprints of a gigantic hound," and at the end he actually says, "Quick, Watson, the needle." The cast includes fatuously dimpled Richard Greene, and Lionel Atwill, Wendy Barrie, John Carradine, E. E. Clive, and Ralph Forbes. Sidney Lanfield directed. (Bleecker St. Cinema; Aug. 21-22.)

Illusion Travels by Streetcar (1952)—Directed by Luis Buñuel, in Mexico. In Spanish. (Renoir Cinema; Aug. 18-24.)

I Never Promised You a Rose Garden—Anthony Page treats the topic of a pretty, schizophrenic girl (Kathleen Quinlan) with charity and distress. Bibi Andersson plays—marvellously—the therapist who works with the girl in the frightened margins of her life, which is hedged with demons. The "cure" is not complete, but we were never promised a rose garden. (8/8/77) (Cinema I.)

In the Realm of the Senses—With Eiko Matsuda and Tatsuya Fuji, directed by Nagisa Oshima. In Japanese. (Art, and Plaza.)

Jailhouse Rock (1957)—Elvis Presley, convicted of manslaughter and shorn by a jailhouse haircut, sings and plays the guitar to entertain the prison inmates. At one point, he strips to the waist and is flogged by the guards, though not for his singing. Richard Thorpe directed this package, shrewdly designed to give satisfaction to the new raunchy rock generation. The story ends happily, and the movie made millions. (Regency; Aug. 23-24.)

The Kentucky Fried Movie—With David Zucker, Jim Abrahams, and Jerry Zucker; directed by John Landis. (Eastside Cinema, and Quad Cinema.)

The Last Remake of Beau Geste—Sir Hector Geste, of Geste Manor, gnashes his teeth when his nice wife bears him a beautiful daughter instead of the son he has pined for. At the Wormwood & Gall Boys Orphanage, he picks out the very lad: strong-jawed, blond, destined to grow up into Michael York, a twin wildly held to be identical to the slithery-eyed boy destined to grow up into Marty Feldman (who wrote and directed this recklessly funny film). Side benefits include a Chinese Legionnaire who sings soppy Irish ballads, some bookish-looking camels, and Peter Ustinov as a leader cheerfully called the Kraut, who has a peg leg, a peg-legged horse, and a peg-legged Teddy bear. (7/25/77) (Sutton.)

Lifeguard (1976)—With Sam Elliott, Anne Archer, and Stephen Young; directed by Daniel Petrie. (Olympia; starting Aug. 24.)

The Little Girl Who Lives Down the Lane—With Jodie Foster, Martin Sheen, and Alexis Smith; directed by Nicolas Gessner. (Quad Cinema.)

The Littlest Horse Thieves—From the Disney studios, with Alastair Sim, Peter Barkworth, and Susan Tebbs; directed by Charles Jarrott. (R.K.O. 86th St. Twin 1, and Quad Cinema; through Aug. 23.)

MacArthur—A blockbuster film that is an act of homage to egocentricity and battle hunger. Gregory Peck plays the General perfectly: his skill at reproducing the characteristics of a noisy, obtuse, brave, Red-baiting man makes the actor and subject seem uncannily matched. At West Point, stripped of his command, the General has some moving moments: you feel that without war this authoritarian man is made inert and void. (7/11/77) (Music Hall.)

Man on the Roof—Based on a Maj Sjöwall-Per Wahlöö book. With Carl-Gustav Lindstedt, directed by Bo Widerberg. In Swedish. (Embassy 72nd St.)

March or Die—With Gene Hackman, Terence Hill, and Max von Sydow; directed by Dick Richards. (Reviewed in this issue.) (34th St. East; through Aug. 18.)

The Medium (1951)—With the technical assistance of Alexander Hammid, Gian-Carlo Menotti directed this film version of his opera; it is still the only opera ever put on film by its composer. Menotti had written the libretto in English, so there was no problem of translation, and the movie, made in Rome, doesn't have that deadly air of compromise which poisons attempts to "popularize" opera. "The Medium" was, of course, popular from the start, and never labored under what—in movie terms—can be the mixed blessings of greatness. The story is a Grand Guignol thriller about a swindling charlatan of a medium who, in the middle of a fake séance, feels a ghostly hand on her throat; visually menacing, it's like an extended episode from "Dead of Night" with music. The roles are expertly handled by the American contralto Marie Powers, as the shrewd, blowsy brute of a woman; the fourteen-year-old Italian coloratura Anna Maria Alberghetti; and Leo Coleman, as the mute gypsy. (Thalia; Aug. 24-25.)

Ministry of Fear (1945)—Very little of Graham Greene's mystery novel survives in this unmemorable Paramount picture, directed by Fritz Lang. As melodramas of the period go, however, this one is better made than most. Ray Milland has just been released from an insane asylum, where he was confined for murdering his wife, when he is drawn into a plot by a gang of German spies who are after defense plans. The heroine is the unimposing Marjorie Reynolds; the villain is that falsetto cutthroat Dan Duryea. (Theatre 80 St. Marks; Aug. 23.)

Miss Sadie Thompson (1953)—Somerset Maugham's story "Miss Thompson," was adapted to the stage as "Rain" and opened in 1922, starring Jeanne Eagels. The first movie version came out in 1928, starring Gloria Swanson as the sinner-heroine, and another in 1932, with Joan Crawford. Sadie Thompson was the prototype of many of the shady ladies in exotic locales played by Jean Harlow, Marlene Dietrich, Hedy Lamarr, Mae West, Ann Sheridan, Ava Gardner, and dozens of others. But by the fifties Maugham's durable vehicle, in which the conflict is between Sadie the honest whore and the wrathful, hypocritical Reverend Davidson, had run into Production Code censorship troubles, so in this updated-to-the-Second World War version Sadie (Rita Hayworth) just seems a naturally high-spirited girl who likes to sing and dance and scamper about with small children, and Davidson (José Ferrer) isn't even allowed to be a clergyman. He appears to be an insomniac spoilsport who wants her to stop entertaining the troops so he can get a night's sleep in the South Pacific hostel that shelters him, Sadie, a batch of Marines, and the sergeant (Aldo Ray) who falls in love with her. Rita Hayworth seems physically overblown, and, attempting to be sincere, she's rather dull. Curtis Bernhardt directed this color version, which includes several musical numbers; in its initial showing in New York it was in 3-D, but that was dropped for the national release. (Theatre 80 St. Marks; Aug. 21-22.)

New York, New York—It begins on V-J Day; Liza Minnelli is a struggling singer, Robert De Niro is a struggling saxophonist, both parts written so as to represent the Hollywood chestnut that ruthlessness is necessary for success. The best thing about this movie is De Niro's firm, swift performance. Directed by Martin Scorsese. (7/4/77) (Ziegfeld. . . . ¶ Trans-Lux East; through Aug. 18. . . . ¶ Quad Cinema; through Aug. 23. . . . ¶ Trans-Lux 85th St.; starting Aug. 19.)

Obsession (1976)—An *hommage* to Hitchcock, made by Brian De Palma. The inspiring original is Hitchcock's "Vertigo," in which James Stewart is an ex-dick confused over whether Kim Novak is a suicide (as he thought) or is beguilingly alive in a new identity. "Obsession," which believes in mystery rather than in Hitchcock's surprises, is about a rich New Orleans businessman (Cliff Robertson), who suffers the kidnapping of his wife (Geneviève Bujold) and his nine-year-old daughter (Wanda Blackman). Years later, gray-haired, he falls in love, in Italy, with a girl restoring a painting in the church where he first fell in love with his wife. The girl is played, of course, by Geneviève Bujold. Who is she? A hallucination? The question leaves us cold, because it lacks Hitchcock's scrupulous matter-of-factness. (8/2/76) (Olympia; through Aug. 23.)

One on One—With Robby Benson and Annette O'Toole, directed by Lamont Johnson. (Quad Cinema; starting Aug. 24.)

One, Two, Three (1961)—Machine-gun-paced topical satire of East-West relations, in which the characters shout variations of stale jokes at each other—people are described as sitting around on their assets, and we're invited to laugh at the Russians for rejecting a shipment of Swiss cheese because it is full of holes. The director, Billy Wilder, shot this example of an assembly-line approach to gags in Berlin and Munich (where the Brandenburg Gate was reconstructed). James Cagney expertly mugs his way through the role of an American Coca-Cola executive in Europe; he complains that the East Germans are hijacking his shipments, "and they don't even return the empties." When his wife (Arlene Francis) says that their marriage has gone flat, like a stale glass of beer, Cagney replies, "Why do you have to bring in a competing beverage?" The gags are almost all on this level, and the little sops to sentiment are even worse; the film was a huge success. With Horst Buchholz, Pamela Tiffin, and Lilo Pulver. Wilder and I.A.L. Diamond wrote the script, based on a Ferenc Molnár one-act play. (Carnegie Hall Cinema; Aug. 23.)

Orca—More underwater killers snooping about. An incensed whale this time. With Richard Harris and Charlotte Rampling, directed by Michael Anderson. (86th St. East; through Aug. 18. . . . ¶ Olympia; starting Aug. 24.)

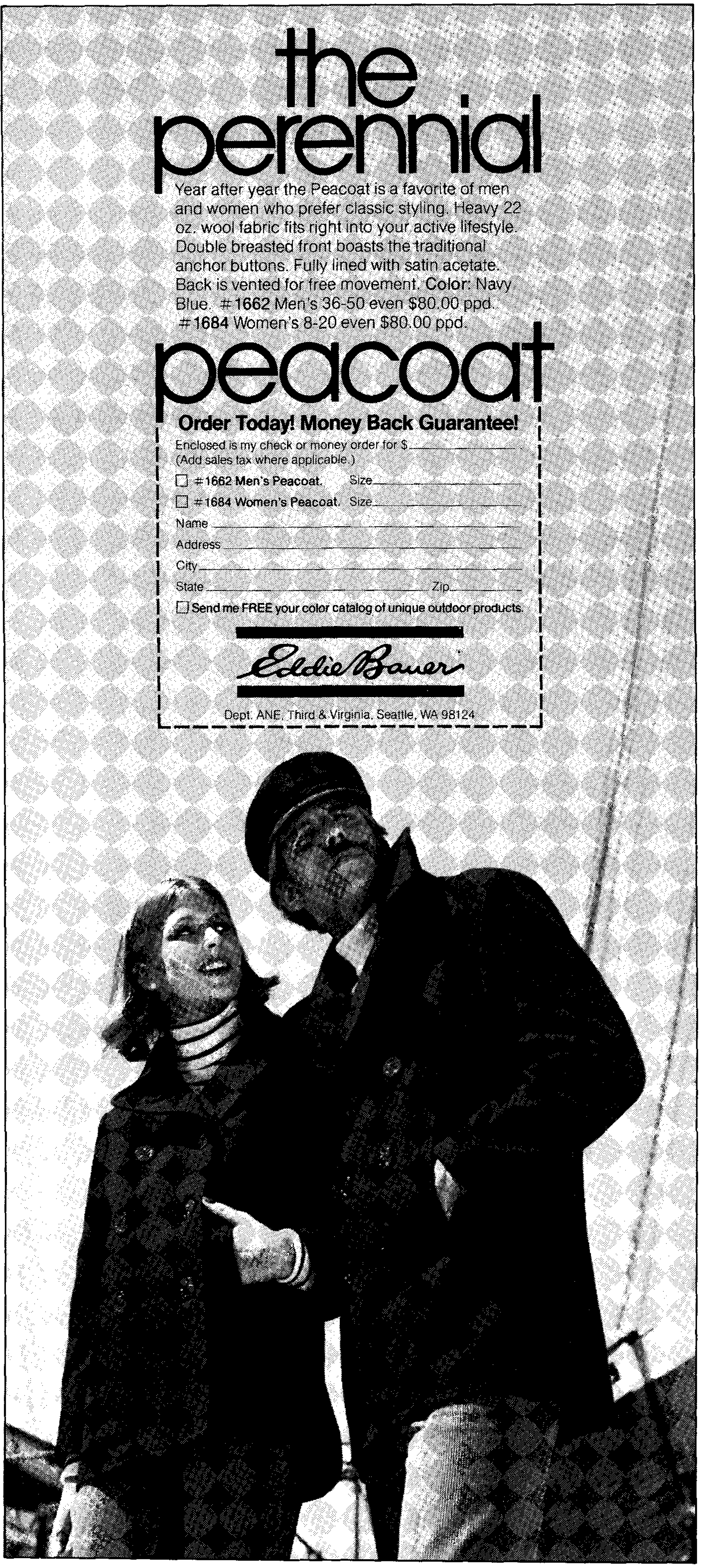
The Other Side of Midnight—A fatuous, money-spinning film from a fatuous, money-spinning book about a girl called Noelle Page (Marie-France Pisier), who rises from lowish life in Marseilles to become the most famous and best-dressed film star in France. The dialogue and the plot are so dull that the film chiefly embeds itself in the memory as a conversation between women's clothes. (7/11/77) (Coronet.)

Outrageous—With Craig Russell and Hollis McLaren, directed by Richard Benner. (Cinema II.)

Pandora and the Flying Dutchman (1951)—Certifiably one of a kind. Albert Lewin, who produced, directed, and wrote the story and screenplay, has more visual feeling than common sense. James Mason, in his gloomily romantic period, is, literally, the doomed sailor, and Ava Gardner (looking unspeakably luscious) is an American playgirl in evening clothes who wanders through exotic, poetic landscapes before sacrificing herself to save him. Lewin's direction is static, yet his staging is so luxuriantly mad that it's easy to get fixated on what, if anything, he could have had in mind. Sally Bowles might have called it divinely incoherent—it's as nutty-fruity as another Ava Gardner film, "The Barefoot Contessa," but without so much talk. The English production, shot in Spain, has a mostly British cast—Nigel Patrick, Pamela Kellino (Mason), Marius Goring, and John Laurie. (Carnegie Hall Cinema; Aug. 21.)

Pardon Mon Affaire—A soubrette of a movie, about a long-faced and very accident-prone Lothario (Jean Rochefort). Directed by Yves Robert, who made "The Tall Blond Man with One Black Shoe." Sabotaged sometimes by coquetry, but its high spirits save it. In French. (8/8/77) (Baronet.)

Pat and Mike (1952)—Katharine Hepburn and Spencer Tracy play together so expertly that their previous films seem like warmups. The script, by Ruth Gordon and Garson Kanin,



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GOINGS ON ABOUT TOWN

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isn't up to the best of "Adam's Rib," but the stars have achieved such teamwork that their sparring is more beautiful than punch lines. Hepburn plays a phenomenal all-around athlete, and in the course of the picture she takes on Gussie Moran, Babe Didrikson Zaharias, and other professionals, touching off the comic possibilities in various sports with grace and ease. With Aldo Ray as a sulky boxer. George Cukor directed—beautifully. (Regency; Aug. 21-22.)

The Private Affairs of Bel Ami (1947)—Albert Lewin, a writer who became head of Irving Thalberg's story department and then functioned as a producer for Thalberg, seemed to stand for the same values as his boss: carefully mounted, prestigious entertainment. But when he turned director, in 1942 (writing his own scripts as well), he showed a predilection for ultra-literary material, and his style—a mixture of sophistication, romanticism, and stiff, awkward staging—finally led him to the visual poetry and high camp of "Pandora and the Flying Dutchman" and the peerless, posh silliness of "Saadia." The Newark-born director suffered from an almost obsequious lust for everything European and an excess of taste that resulted in tastelessness. "Bel Ami," taken from a Maupassant story that had been filmed in Germany in 1938, is a plushy, overdressed production about a nineteenth-century cad who makes his way in the world by taking advantage of women. Lewin got an interesting ambivalence out of George Sanders in "The Moon and Sixpence," and then typecast him amusingly as Lord Henry Wotton in "The Picture of Dorian Gray," but here Sanders seems heavy and monotonous. With Angela Lansbury, Ann Dvorak, Frances Dee, Marie Wilson, Katherine Emery, Albert Basserman, Hugo Haas, and John Carradine. The score is by Darius Milhaud. (Carnegie Hall Cinema; Aug. 21.)

Repulsion (1965)—Roman Polanski's clinical horror film, recording the deterioration of a murderous, terrified girl, played by Catherine Deneuve. (Bleecker St. Cinema; Aug. 24-25.)

Ruby—With Piper Laurie and Stuart Whitman, directed by Curtis Harrington. (R.K.O. 86th St. Twin 2; through Aug. 23.)

Sandakan 8—A marvel of a Japanese film, directed by Kei Kumai, about a young, Westernized woman historian who stumbles into a moving friendship with an old woman who was shipped to Borneo at the age of thirteen to become a prostitute. The old woman lives now in a shack, with innummerable cats, and the visit of the young woman gives her as much gaiety in her privation as we often find in Beckett's last-ditch and oddly festive situations. In Japanese. (8/15/77) (Fine Arts.)

The Savage Is Loose (1974)—George C. Scott, Trish Van Devere, and John David Carson, as their son, are shipwrecked on a jungle island, and so is the audience. Agonizing. Scott directed. (59th St. East.)

Scarlet Street (1946)—Fritz Lang directed this American version of Renoir's "La Chienne;" in the American setting it's a sordid, low-life melodrama about illicit love, and it never takes root—it's not one of Lang's best American movies. (It was originally banned in New York State—that is, denied a license—as "immoral, indecent, corrupt, and tending to incite crime," a judgment that seemed off the wall even then.) Edward G. Robinson is a frustrated, gray-haired cashier married to a nagging widow (Rosalind Ivan); his only pleasure is in painting on Sundays. He falls for a tart (Joan Bennett) and sets her up in a Greenwich Village apartment, on stolen money. But the tart is in love with a lout (Dan Duryea), who beats her. The script, by Dudley Nichols, is heavy-handed, and Lang's emphatic style pounds the ironies and the murder-plot devices home. (Robinson kills the girl and Duryea is electrocuted for the crime.) Robinson's paintings are actually by John Decker. (Theatre 80 St. Marks; Aug. 23.)

The Sensual Man—With Giancarlo Giannini, directed by Marco Vicario. In Italian. (Reviewed in this issue.) (Little Carnegie.)

Seven Brides for Seven Brothers (1954)—Stanley Donen directed this big M-G-M musical, adapted from Stephen Vincent Benét's story "The Sobbin' Women;" it's marred by a holiday family-picture heartiness—the Americana gets rather thick. Howard Keel is the lead, with Jane Powell opposite him. The picture is noteworthy for its ambitious use of dance, and is unusual in featuring male dancers (Jacques d'Amboise, Tommy Rall, and Marc Platt, as well as Russ Tamblyn), who are most memorable in the "Lonesome Polecat" ballet in the snow. The choreography is by Michael Kidd. (Regency; starting Aug. 25.)

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Sinbad and the Eye of the Tiger—With Patrick Wayne and Taryn Power, directed by Sam Wanamaker. (Loews Tower East, Waverly, Guild, and Loews 83rd Triplex.)

The Spy Who Loved Me—This time around in the James Bond cycle, Roger Moore is 007, and his girl-object, a coldly luscious Russian woman spy, is Barbara Bach. Much ingenuity of blood lust. Gone are the days of the early Bond pictures, with their vivacity and circus hucksterism. Directed by Lewis Gilbert. (8/8/77) (Columbia I, Columbia II, and Loews Ciné.)

Star Wars—A film, written and directed by George Lucas (of "American Graffiti"), about an interstellar war in a galaxy inhabited by tiny, chattering, evil beings, by Tenniel creatures of high individuality (a henna-dyed wolf-man, snakes with the look of mathematicians), by a gold-plated robot, and by a computer that looks like a mixture of hair-dryer and mailbox. Witty and fun, with spectacular optical effects. (6/13/77) (Murray Hill, and Loews Orpheum.)

Stroszek—Werner Herzog, the West German who wrote and directed this wonderful film, describes it as a ballad. Stroszek, played by Bruno S., feels himself like a castaway going round and round forever—merry-go-round or mill wheel, he doesn't know which. Released from jail, he plays his piano with all the focus that was missing in his dealings with the prison authorities—a lack of focus that will make some sophisticates think him simpleminded when he is simply bereft. There is a marvellous performance by a paper-faced old man called Scheitz (Clemens Scheitz), who has a nephew in Wisconsin. In a key scene, early in the film, a befriending doctor tells Stroszek that he doesn't know how to look after himself, and then shows him a premature baby who, like Stroszek, will be all right, given a little help. A masterwork. In German and English. (7/25/77) (Cinema Studio.)

The Tenant (1976)—Directed by Roman Polanski, written by Gérard Brach and Polanski, with Polanski himself as the hero. His name is Trelkovsky, a small-boned, easily wounded Pole who lives in Paris. One feels that he has only a lease on his own identity: it seems no longer his property. We see it being made available to the artistry of drag; even his gender seems a matter of rental. This film is no piece of whimsey and shock, as Polanski's latest films have been; it is a serious, exact film about the ache of exile, photographed by Sven Nykvist, most famous as Bergman's cameraman, who gives the film the look of something by Dostoevski. "The Tenant" is a poetic nightmare about punishment imposed on an unguilty man who merely entertains great fear of guilt. (7/5/76) (Bleecker St. Cinema; Aug. 24-25.)

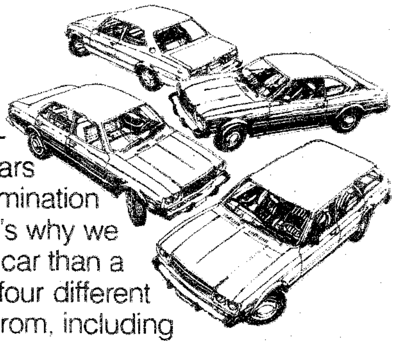
Tonight and Every Night (1945)—Elaborate, dull Columbia musical starring Rita Hayworth, smiling about nothing, and with Marc Platt, Janet Blair, and Lee Bowman. Directed by Victor Saville; mediocre score by Sammy Cahn and Jules Styne. (Theatre 80 St. Marks; Aug. 21-22.)

The Treasure of Sierra Madre (1948)—One of the strongest of all American movies. Three Americans stranded in Mexico strike it rich, and the director, John Huston, lets them stew in their own juice. Humphrey Bogart is the paranoid tough guy, Fred C. Dobbs; Walter Huston is the toothless, shrewd old prospector; Tim Holt is a blunt, honest young man. With Alfonso Bedoya as a primitive bandit who makes one appreciate civilization; Robert Blake, as the Mexican boy; and the director himself as the victim of Bogart's cadging. From the B. Traven novel. One should be prepared for the terrible Max Steiner score. (Carnegie Hall Cinema; Aug. 19.)

The Virgin and the Gypsy (1970)—Maurice Denham is an Anglican vicar with a taste for depressing hymns; he sends one of his virgin daughters (Joanna Shimkus) into the arms of a gypsy (Franco Nero). Christopher Miles' movie is intelligent, a bit studied, true to D. H. Lawrence. (Carnegie Hall Cinema; Aug. 20.)

Weekend (1968)—Jean-Luc Godard's extraordinary poetic satire on modern life—a powerfully charged though deeply flawed film. With Mireille Darc as the bourgeois cannibal. In French. (Carnegie Hall Cinema; Aug. 22.)

BEAUTY.



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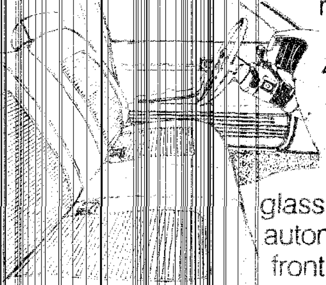

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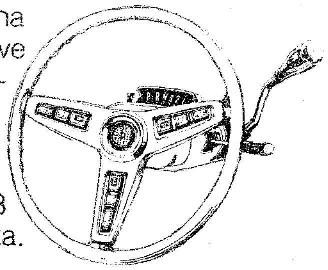

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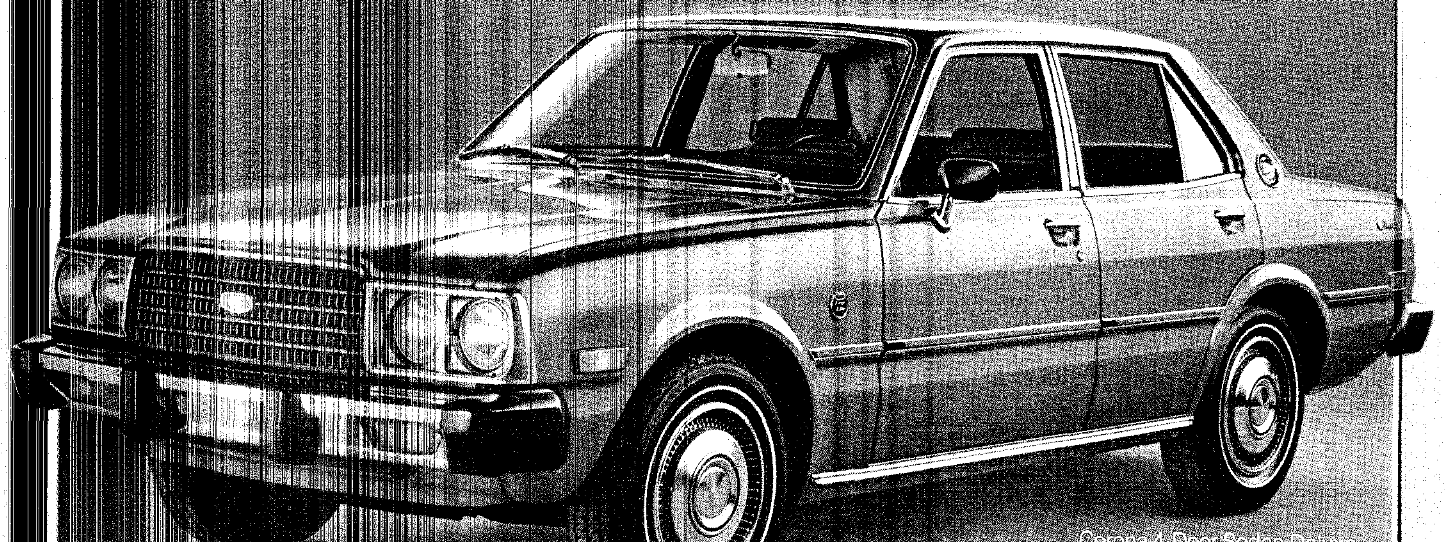

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THE NEW YORKER

THE TALK OF THE TOWN

Notes and Comment

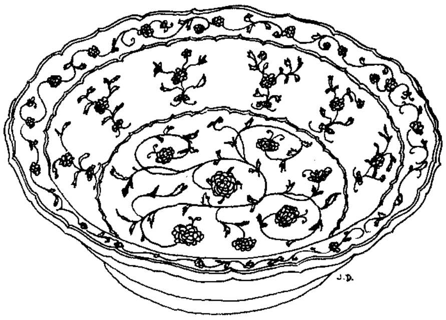
NEARLY half a century ago, Justice Louis D. Brandeis wrote:

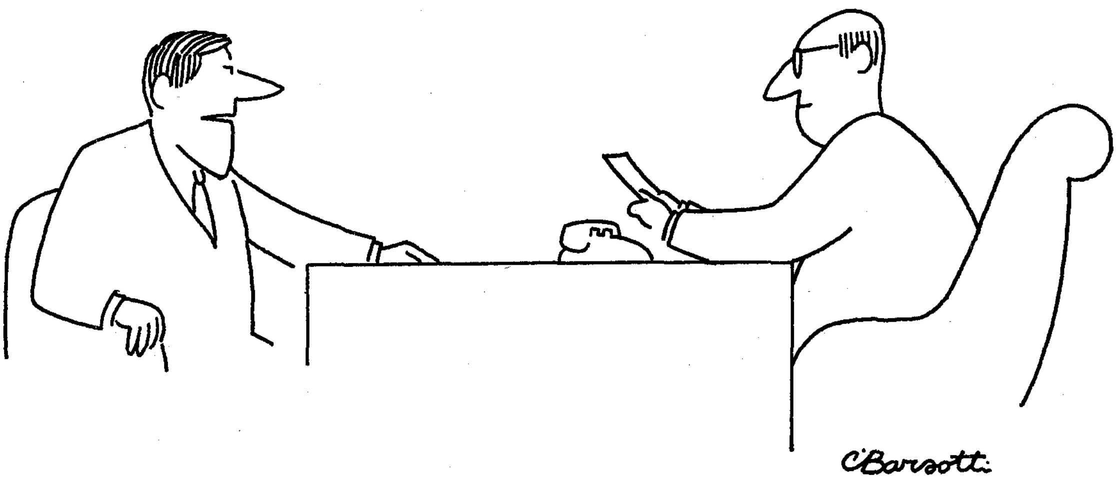
> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment.

In recent years, the Supreme Court has gradually weakened the protections that Brandeis found inherent in the Fourth Amendment, and the other day a federal judge of the district court in Washington, D.C., handed down a decision that, if it is upheld on appeal, will wipe out citizens' recourse against government officials who unjustifiably intrude upon their privacy.

To go back a bit, the government's prosecution of Daniel Ellsberg for releasing the Pentagon Papers to the press ended in dismissal of the case, in May of 1973, after the government conceded that it had committed various improper acts. Among them was its failure to inform the court that some of the evidence against Ellsberg had been obtained by way of a wiretap on a telephone in a house owned by Morton Halperin, an aide to Henry Kissinger—the kind of information that the prosecution must disclose in a criminal case. On the basis of this disclosure, Halperin and his wife and three children sued ten members of the Nixon Administration for violating their right to privacy under the Fourth Amendment. Last December, Judge John Lewis Smith, Jr., ruled that three of those members—former President Richard Nixon, former Attorney General John Mitchell, and former White House Chief of Staff H. R. Haldeman—were indeed guilty of violating the Halperins' Fourth Amendment right to be secure "against unreasonable searches and seizures," and that the surveillance "constituted an invasion of plaintiffs' privacy and freedom of expression." The Halperin case revealed that the wiretap had been installed in May, 1969, and had been kept in operation until February, 1971. According to the Justice Department lawyers who represented the defendants, the purpose of the tap was to find out whether the source of foreign-policy leaks was someone on the National Security Council, of which Kissinger was an official. And, according to the same lawyers, no court order was necessary for such taps, because the President had the "inherent power" to authorize them as a means of protecting the nation's security—the same argument that Nixon used throughout the Watergate affair to defend his misdeeds.

The law that governs wiretapping is the Omnibus Crime Control and Safe Streets Act of 1968, which generally requires that before such a tap can be used legally a court order must be issued on the basis of probable cause to believe that a crime has been, is being, or is about to be committed. The main exception to this rule is the statement in the statute that nothing in it "shall . . . limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government." In the December, 1976, district-court decision, Judge Smith held that the procedural rules contained in this statute—such as the requirement of a court order before a tap can be used—had not been clarified by the courts when the tap was installed on the Halperins' telephone, so the Nixon Administration could have reasonably concluded that the statutory exception to the rule empowered the President to order this particular tap. But, the Judge went on, the length of the period over which the tap was in operation—twenty-one months—and the lack of any evidence against Halperin during that period demonstrated that it was an "unreasonable" search, prohibited by the Fourth Amendment. As depositions in the Halperin case showed, soon after Halperin was put under surveillance a high official of the F.B.I., which had installed the tap and was monitoring the recorded conversations, reported that they contained no evidence of wrongdoing on Halperin's part, and suggested that the tap be disconnected. The suggestion was overruled by the White House, which later ordered the logs and summaries of the recorded conversations transferred from the Bureau to a safe in John Ehrlichman's office. Not only had irrelevant conversations involving everyone who had talked on the Halperin line been indiscriminately recorded and logged but the logs had not been studied by the defendants for evidence about the source of the leaks, and the tap had been continued long after Halperin left the government to go to work as a foreign-policy adviser to Senator Edmund Muskie, who was expected to run for the Presidency against Nixon in





"You'll note, sir, I've painted the picture in broad, bold strokes."

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1972. What is more, the Nixon Administration had used the summaries for political advantage—for instance, to obtain knowledge of a politically explosive anti-Vietnam-war article that Halperin was helping former Secretary of Defense Clark Clifford write for *Life* and to prepare a rebuttal before the article was published. In any event, after Judge Smith found the three defendants guilty of violating the Halperins' constitutional rights he reserved decision on the amount of damages to be levied against Nixon, Mitchell, and Haldeman.

On August 5th, Judge Smith handed down his decision on the damages that each member of the Halperin family was to receive: one dollar. This decision, which is dubious as a matter of law and pernicious as a matter of social policy, demonstrates again the discouraging tendency of federal courts to destroy individual rights on the pretext of upholding them. The law has always been weighted overwhelmingly in favor of the government when it comes into conflict with individuals, and the Halperin decision wipes out the modest recourse that ordinary citizens possessed until now. Under existing law, for example, government officials who exercise a "discretionary function"—that is, who in any way set policy—are held to be immune from damages as long as they have acted in good faith, which is to say, in the reasonable belief that their behavior was legal. A good-faith claim is very easy to make and very hard to disprove, and the official immunity it confers in a civil suit amounts to an enormous presumption of innocence for officials who are accused of misconduct. Once the Halperins' lawyers (volunteers and American Civil Liberties Union staff lawyers, all working without fee) had accomplished the rare feat of overcoming this presumption of innocence by proving the three defendants' exceedingly bad faith, the lawyers and their clients—and the American people—were left with the reward of a moral victory only. As long as this decision stands, government agents—including F.B.I. and C.I.A. agents who have conducted hundreds of illegal surveillance operations—will have their legal fees paid by the government if they are sued, and will have to pay no more than a dollar fine if they are found guilty. In all likelihood, though, there won't be even that tiny fine, for now the constitutional right to privacy will be asserted only by the occasional citizen who is sufficiently indignant, rich, and idle to go to court over such an intrusion by government.

The A.C.L.U. lawyers contended that Halperin and his family were entitled to substantial damages on three grounds. First, although the Judge had ruled in December that the procedural requirements of the Omnibus Crime Control and Safe Streets Act of 1968 did not apply to this case, that was no reason to hold that the rules contained in the act for determining damages did not apply, since various precedents supported the theory that one part of a law can be used even when another part of it can't be. The damages section of the 1968 law provides that a person who is the subject of an illegal tap can collect a hundred dollars for every day that the tap is in use—in the case of the Halperin family, around three hundred thousand dollars. As far as the Halperins were concerned, this was the minimum amount they were entitled to. The contention that the act's rules for determining damages should be followed was rejected by Judge Smith with the argument that if part of the 1968 law didn't apply none of it applied.

The Halperins' second ground for claiming substantial damages was the doctrine of compensatory damages. Ordinarily, compensatory damages are available to an injured party only when some kind of physical, emotional, or financial injury is suffered. The Halperins' lawyers specifically disclaimed any such injury but stated that the deprivation of a constitutional right is in itself a grievous injury, because this right is inherently so precious. That contention, like the first, was supported by numerous precedents, set by federal appellate courts in decisions going back at least to 1919. Until a few years ago, there was a curious anomaly in federal law which allowed citizens to sue state officials for violating their constitutional rights but didn't allow citizens to sue federal officials on the same grounds. Then, in 1971, the Supreme Court ruled in the Bivens case that citizens can sue federal officials for violating Fourth Amendment rights. Both the Halperins' lawyers and Judge Smith relied on the Bivens case to justify the charge against the defendants, but the Judge also used that case to justify his refusal to levy any appreciable damages—by citing a statement in the majority opinion to the effect that compensation is limited to a victim who "can demonstrate an injury consequent upon the violation by federal agents of his Fourth Amendment rights." Once again, the A.C.L.U. lawyers claimed that the violation of those rights was itself an injury, but, once again, Judge Smith rejected this view—even though his rejection rendered the Bivens decision meaningless, since it was designed to give people whose constitutional rights were violated by federal officials the same redress that was available when such rights were violated by state officials, and in case after case dealing with state officials' violations of constitutional rights the violation alone had been considered by the courts to constitute a sufficient injury to merit compensation. Now, under Judge Smith's ruling, one can sue a state official and collect real damages but one can sue a federal official and collect only nominal damages.

Finally, the Halperins' lawyers asked the court to award punitive damages. It is a firmly established principle of law that one does not have to prove actual harm suffered in order to collect punitive damages, which are assessed not so much to repay the victim as to punish outrageous conduct and deter such conduct in the future. While there may be little reason to punish Nixon, Mitchell, and Haldeman any more than they have already been punished, there is plenty of reason to discourage similar official malefactors in time to come. But Judge Smith found no cause to levy punitive damages, and explained, "Despite the Court's rejection of defendants' good-faith defense, their conduct cannot fairly be characterized as a wanton, reckless, or malicious disregard of plaintiffs' rights justifying the imposition of punitive sanctions." Any one of the three descriptive adjectives would be enough to justify punitive sanctions, and since Judge Smith had found the defendants' acts to be violations of the Constitution, these acts would seem pretty reckless by any measure. But the weakest point of all in Judge Smith's decision was his conclusion that although the defendants had shown bad faith in their surveillance of Halperin, that bad faith wasn't bad enough to merit punitive damages, because there was "justifiably grave concern in early 1969 over the leaking of confidential foreign-policy information." In other words, he cited the length of time the tap was used and its capricious nature to demonstrate bad faith, and then excused that bad faith by falling back on the "grave concern" that these people of bad faith claimed to have had. By this convoluted reasoning, a federal judge has decreed—at least for now and perhaps for good—that a citizen's right to privacy is worth a dollar.

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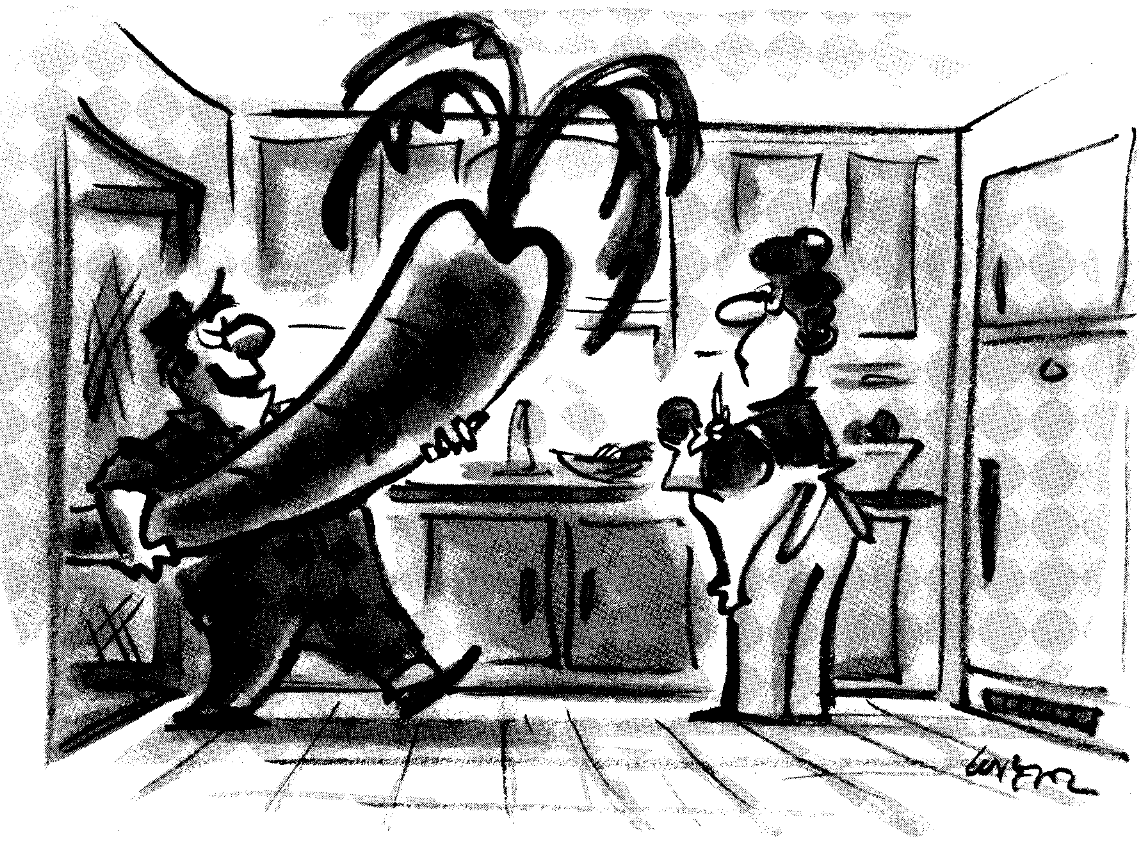
One Ring

THE Big Apple Circus, New York's first resident circus since 1905, and a one-ring show so intimate that its back row of bleachers is less than twenty feet from ringside, has been kicking up the sawdust for about three weeks now, and when we went down last week to its tent—a bright-green one, pitched just north of Pier A, on landfill that may or may not one day be Battery Park City—it was drawing a good-sized and, as it happened, highly knowledgeable crowd. Stewart Mott, a donor of stay-alive money to the circus, was there, lots of excitable kids were there, and the man sitting next to us, who said he was from New Jersey and was seeing the show for the second time, turned out to be Francis Brunn, who is commonly acknowledged among circus people to be the greatest juggler in the world. Brunn is a short, young-looking middle-aged man. He has a thin face and a trimness that reminds people of François Truffaut or a World Cup soccer star. Brunn hails from Aschaffenburg, Germany, near Frankfurt, and he first came to the States in 1948, when John Ringling North, who had caught his act at a theatre in Barcelona, snapped him up and presented him to American audiences as "The Greatest Juggler Since the Dawn of Creation." We remember seeing him work way back then, and he was amazing. Brunn works with his whole body—he's the only man ever to loft ten rings at one time—and we remember him kneeling with rings spinning on one leg, both arms, his nose, one side of his head, and in the air in front of him. Brunn stayed with Ringling Brothers for three years, and since then he has been performing all over the world—mainly in Las Vegas and the big European night clubs but also in one-ring and three-ring circuses. In 1973, he and Pelé taped an hour special for Brazilian TV in which the two of them kicked, headed, bounced, lofted, and balanced rubber balls and a soccer ball with Pelé's name on it. Brunn has always loved balls of any sort—that's what got him started as a juggler.

We offered some popcorn to Brunn just before the circus charivari, and, between munches, got into a conversation about the relative merits of one-ring circuses and three-ring circuses. The problem with the three-ring circus, Brunn said, is that there's never a moment when the audience has the thrill of knowing that everyone there is focussed on one event. Energy is always being dissipated; it's hard to build drama. "Of course, I myself didn't have that problem," Brunn went on. "When I went to work for John Ringling North, I was given the center ring alone, with all activity shut down in the side rings. They'll do that today for someone like Gunther Gebel-Williams, the animal trainer, but then consider the circumstances of other center-ring performers. Let's say the man's a



“Now do you believe in mulch?”

trapeze artist who has been building slowly to an extremely difficult attempt. If five seconds before he tries it someone goofs in a side ring, or does a neat trick—and side-ring performers have been known to do this on purpose at such a juncture—the man in the center loses his audience. It may come back, but never with the same involvement. It's always too late. And, of course, the side-ring performers are in an even more hopeless position. In Europe, the home of the one-ring circus, cotton-candy venders are never permitted to wander around during the performance. It's more like the ballet. Performers will be booked a year in advance, and audiences will buy tickets a year in advance. This Big Apple Circus is an American attempt to establish a one-ring tradition, and I hope it works."

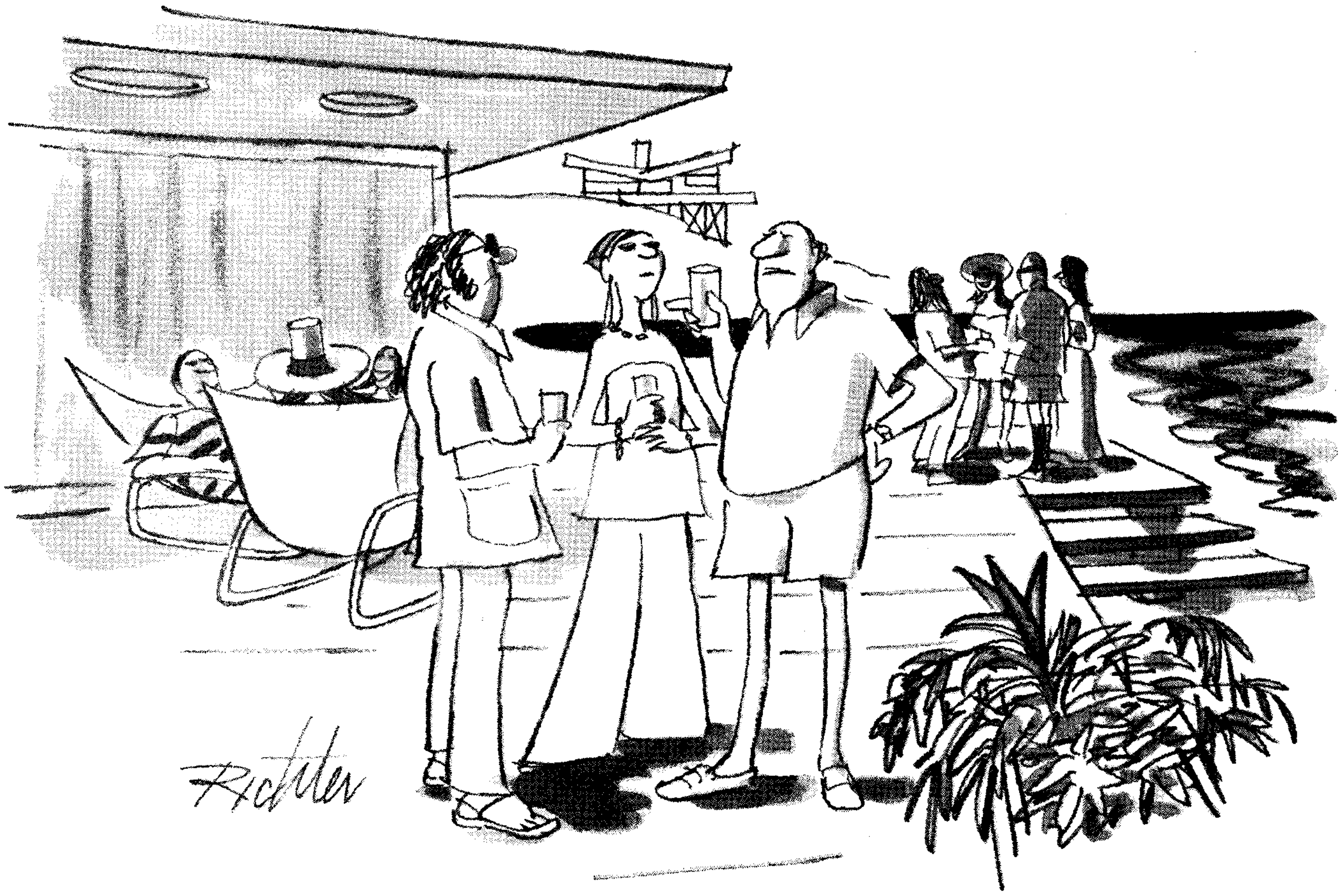
The charivari tumbled into the ring, and the show was on. All European circuses open with a charivari, which is a gang of performers doing a lot of stuff at tremendous speed, plus a few gags, to get the excitement up. In this case, the gang was the New York Playground Charivari—twelve apprentice clowns and acrobats, in their twenties, who study at the New York School for Circus Arts, an adjunct of the Big Apple Circus. The Playground Charivari, wearing various costumes—pink shirts, diapers, biker jackets that said "BABY ELEPHANTS, N.Y."—somersaulted, cartwheeled, fell down, knocked one another over, formed a pyramid, and, finally, after being menaced by a toughie, cowered in the center of the ring just in time for Warren Bacon, who is not only one of the Playground Charivari's directors but also the Big Apple's head tent rigger, to vault over all of them. The next act, again following the European formula, was a reprise—a clown entr'acte that gives the roustabouts time to set up the next formal act. The chief clown was Nina Krasavina, the Russian acrobatic clown who worked for the Moscow State Circus for fifteen years, and whom we last saw a year ago at Muhammad's Temple of Islam, in the Bronx, where she and her husband, Gregory Fedin, were working with twelve black teen-agers to create an act for Ringling Brothers. Gregory is currently on the disabled list, and Nina's assistant in the first reprise was Paul Binder, a thirty-four-year-old Brooklyn-born Dartmouth grad, who is the director of both the Big Apple Circus and the New York School for Circus Arts, and who, with Nina and Warren Bacon, directs the Playground Charivari. Nina got howls from the kids in the audience by trying to blow up Binder with a bicycle pump; Binder kept deflating.

The next two acts were Paul Lubera and Michael Moschen—a trapeze artist and a young juggler. Lubera got "Aah!"s when his feet regularly pushed out the canvas at the top of the tent as he swung back and forth on the trapeze, and Brunn said he thought Moschen, who seemed to look only at the audience while he kept three balls in motion with his hands, head, biceps, and back, "has the beginnings of a real original style." Brunn had similar praise for the comedy juggling act of Binder and his partner Michael Christensen when they came on, following the Back Street Flyers (half a dozen black and Puerto Rican acrobats from Charles Evans Hughes High School, on West Eighteenth Street) and Suzanne Perry, who works the rings and the Spanish Web, a single vertical rope with a loop in it. (Suzanne arched her back a lot—a move that Brunn said is traditionally known as the *kauchuk*. "It's the Russian word for 'rubber.' The opposite, bowing your back, is called *klischnik*, which I think is named after a German acrobat.") Binder and Christensen, who have been juggling together for seven years, appear frequently on "Sesame Street" as "Paul and Michael." In the circus act, they juggle balls, clubs, hats, cigars, one of Michael's shoes, and what they call "the feared Rumanian fast club"—a club that looks suspiciously like a standard club wrapped in satin paper and spun at twice the normal speed. What gives the act distinction is that the two men argue with each other the whole time about who's getting in the way of, who's stealing what from, and who's about to do what to whom. "Three balls, three clubs, three little hats, and three cigar boxes is a classic act, but I've never seen it with talking," Brunn said. "You can see how it makes the act go over better, but the real benefit is to the performers—if one of them needs help, he can ask for it without the audience getting wise. That shoe is tricky—no handle on it, and it's a different weight from any of the other objects, which makes it harder to get a rhythm going. Good work, Paul and Michael."

The Big Apple finale is a gaucho act, a current big European-circus and night-club favorite—Argentine dancers from Mendoza, a province four hundred miles west of Buenos Aires, who mix drumming, flamencolike dancing, and the twirling of bolas (the Argentine weapon of cord and balls or stones which entangles cattle when it is thrown at their legs) in a showstopping barrage, which was first developed for the stage a dozen years ago by a Mendozan named Oscar Chugaro. In performance, bolas whiz menacingly and, when they are properly manipulated—as they were by Los Indianos, the Big Apple *boleadores*, consisting of four Argentine men and three women (one Argentine, one French, and one Belgian)—smack the floor in a succession of electrifying rhythmic whipcracks. In a minute, Los Indianos had the whole audience, including Francis Brunn and us, clapping along with their beat. "I see a lot of happy faces," Brunn said. "How do you compare one circus with another? That's the only test that counts."

Brighton Beach

WE know of at least two highly satisfying ways to spend a summer evening along the boardwalk in Brooklyn. One way is to be over fifty-five and a dues-paying member of the Shorefront Y, in Brighton Beach, where there is ballroom dancing "for seniors" on the patio every Tuesday and Thursday from seven to ten. This entertainment—annual dues at the Y are now thirty-two dollars—has the look and feel of a bargain. The other way is to own a folding chair of aluminum webbed with plastic and to encamp as early as possible—certainly before seven o'clock—next to the boardwalk railing right above the patio, to watch the dancers. This entertainment costs nothing except for the rapidly amortized price of the folding chair. On dancing evenings, Barney Berfond, a seventy-five-year-old retired housepainter who has been living in Brighton Beach since 1932, arrives at the Y an hour or so early. It is Mr. Berfond's assigned task to operate the phonograph and to announce each dance—a task that makes him, in effect, the unofficial geriatric disco d.j. of Brighton. Shortly before seven o'clock one recent Thursday, we found him inside the gymnasium at the Y, where he was rehearsing with and instructing a folk-dancing troupe that occasionally performs during breaks in the ballroom activity. Ten people—Mr. Berfond, another man, and eight women—held hands in a circle and moved to the beat of a Greek song called "Tsamikos." They sang choruses of "La-la-la-la-la-la-la-la"—



"The question we all ought to ask ourselves is: Are we talking about Russian Communism, Albanian Communism, Chinese Communism, Czechoslovakian Communism, Ethiopian Communism, Cuban Communism, Chilean Communism, or Eurocommunism?"

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eight "la"s per chorus—along the way. When the song ended, so did the rehearsal, and Mr. Berfond got busy replacing the rehearsal records in their lavender plastic storage pouches, enclosing the phonograph in its carrying case, locking the outside entrances to the gymnasium, and refusing offers of assistance.

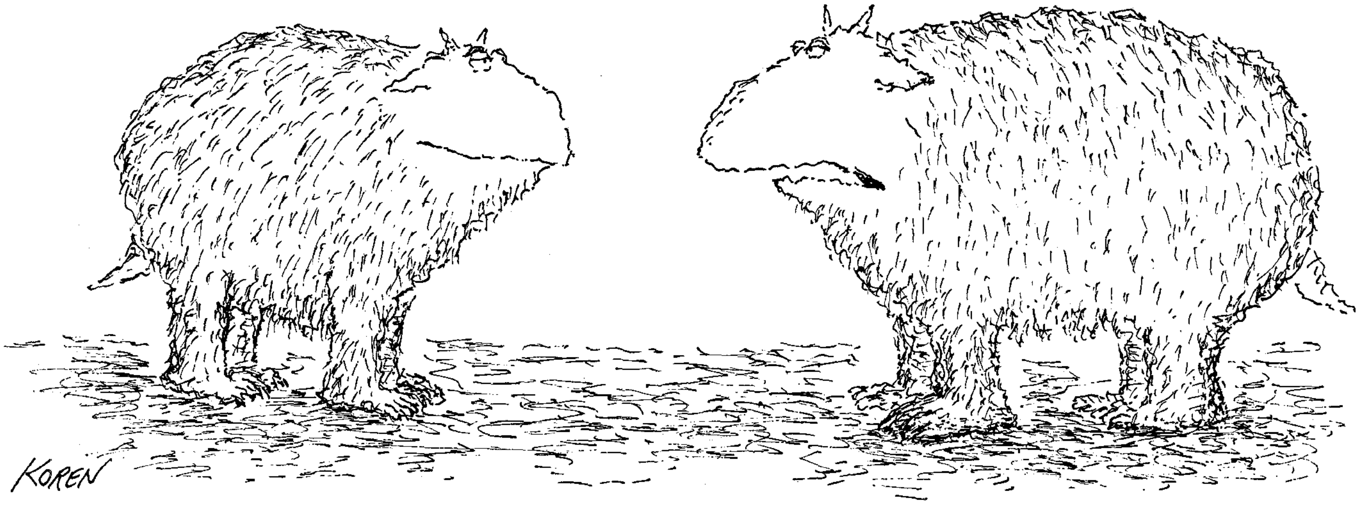
"I'll tell you how we run the dancing outside," said Mr. Berfond, who is short and fit-looking, sometimes wears horn-rimmed eyeglasses, and always keeps his hair, which is white, neatly brushed. "First, I should make it clear that *I* play the record machine. We had another man before, but he got sick and gave it up. So they talked me into it. For a while, there were two or three other people involved, but that didn't work out—too many cooks. Now things go O.K., because I give the crowd everything—rumba, Lindy, cha-cha, bossa nova, merengue. I keep the records up front on the table. The people don't have to know what the next dance is. I give it to them. I tell them whether it's a line dance or a circle dance or a dance with partners. Sometimes maybe they ask for a paso doble or a hustle. And if I feel good I accommodate them. If I don't, I just play what I know is right. Always I start off with a foxtrot. Why a foxtrot? Because that's the routine."

We had moved outdoors now, and Mr. Berfond excused himself, grabbed a broom, and started sweeping through some small puddles of water—the remains of a rainstorm that had taken place the previous night. While he did that, we studied the rows of lavender plastic pouches, each one full of 45-r.p.m. dance tunes, that lay on the table next to the phonograph. The bags had handwritten labels that said "Samba," "Mambo," "Waltz," "Ribbon Dance," "Polka," "Limbo Rock," "Alexandrowski," "Tango," and so on. The dancers were trickling in and taking seats on the periphery of the patio. This made Mr. Berfond want to rush through his sweeping. "I gotta step on it," he said. "See, people are already sitting. I gotta hurry." In his haste, he managed to ignore entirely a woman who called from the sidelines, "So, Barney, the sweeping? That's extra pay?"

When Mr. Berfond had finished sweeping, he glanced at his wristwatch and saw that it was seven o'clock—time to dance. After finding the record that he wanted to play, he approached the microphone and, with admirable economy, announced, "*Foxtrot.*" His voice fell somewhere in the register between useful information and parental mandate, and sounded like a popgun going off. A record was put on. The dancing began.

There was no timidity about which couple would be the first to take the floor, and the dancing area filled quickly; but no one apologized for not dancing, either. To dance each dance at Brighton Beach would require extraordinary stamina, and it would also limit the valuable time that people could spend comparing the photographs and clever remarks of their grandchildren. Because women considerably outnumber men at the Shorefront Y, they often dance with other women, alternately taking the lead. Meanwhile, unattached women are by no means bashful about asking men to dance.

"Years ago, a woman never asked a man to dance," said Gertrude Kampelmacher, who sat while her husband,



"Why can't you be more supportive?"

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Irving, danced. "I still couldn't do it, but, fortunately, I don't need to. Men are at a premium here. If my husband wants to dance with someone else and I feel tired, I sit down."

A few minutes later, Mr. Kampelmacher appeared with his partner. "Mr. Kampelmacher took me for a tango," the woman announced. She looked at him and asked, "I didn't lead too much, did I? I hope not. I make sure to be light. I really try that." Then she smiled and curtsied to Mrs. Kampelmacher.

Once again, Mr. Berfond, whose patient partners have learned to accept the fact that he can never dance an entire number but must always excuse himself to go select the next tune, stood at the microphone. "*Waltz*," he said.

The atmosphere of the boardwalk, where the spectators gather, differs almost palpably from that of the dancing area. The dancers, although they affect insouciance, move with a studied precision worthy of a chorus line. On the boardwalk, the movement is undifferentiated, ostensibly aimless. Conversations focus randomly upon the dancers, the behavior of the stock market, handball games, cures for arthritis. "Move the dog—somebody's gonna step on it," a man says to his wife. "So why didn't you bring a sweater? You wanna catch cold before the wedding?" is her response. Parents and grandparents guide baby carriages. Small groups of men smoke cigars and huddle around transistor radios listening to baseball games. Young couples, their hair still clotted with sand from the day on the beach, pause for a moment and study the activity. When the wind blows from the west, it brings with it the smells of hot dogs, knishes, and pizza. Overhead, planes bank toward Jamaica Bay and Kennedy Airport; gulls wheel at lower altitudes. The Good Humor vender stays busy.

"*Hustle. Hustle*," Mr. Berfond told the dancers. We stood at the railing and watched as the dancers formed horizontal lines and paced themselves through elaborate and not badly synchronized footwork. Voices from the phonograph urged, "Get up and boogie. Get up and boogie." A stocky man in a blue shirt and green Bermuda shorts, freshly returned from a visit to the Good Humor man, approached us from behind and suggested that we had usurped his spot at the railing. He had a short iron-gray crewcut and was eating a fudge bar.

"I'm the Mayor of Brighton Beach," the man told us.

"Interesting job," we said. "How long have you been doing that?"

"Eight months," he said. "Maybe eight years."

"What does it involve?" we asked.

"Standing here," he said. "Eating these things."

We sought a different position at the railing, and, seeing that the front-row viewing space was all claimed, decided to stand behind two white-haired women, who were also standing. They both wore pants suits—one blue, the other red. Below, the crowd was dancing a merengue to the tune of "Jingle Bell Rock."

"I'm not keen on dancing on the pavement," said the woman in red. "Don't misunderstand. I'm a very social dancer, I do them all. But I need light music and a parquet floor to make me do things right."

"Yeah," her friend agreed. "Maybe that's why I don't feel like dancing."

"But isn't it wonderful how they can do it, these elderly people? It's a beautiful thing what the Y does for the old folks," the first woman said, nimbly sidestepping the fact that the most senior "old folks" were her contemporaries.

"Which is your favorite couple?" we asked the women.

They pointed out a rotund man who wore sunglasses, a turquoise-and-green print shirt, blue-and-green tattersall slacks, and white loafers. "He's wonderful," said the woman in blue. "I knew him years ago, when I used to belong here."

"He had a sweetheart then," the woman in red added. "That's who he's dancing with, only now she's his wife."

The consensus was that this fellow could please a crowd—he certainly seemed to please himself—but close inspection revealed that his wife was doing most of the footwork. She wore a black sleeveless blouse, pearls, floral-print slacks, sunglasses, and a slightly weary expression. He led like a champ.

The music ended, and—"*Cha-cha*"—another record began almost immediately. The song was "Arrivederci, Roma." The two women began to hum, at first a bit self-consciously, then without restraint. The woman in red tapped her heels rhythmically, her body swaying as she gripped the railing. Soon her friend was not merely humming but singing. At that moment, we began to feel intrusive, so we walked several yards down the boardwalk. When we stopped and looked back, we couldn't hear the woman in blue singing but we could see her lips moving. And now the woman in red had stepped away from the railing and had claimed a private circle of territory on the boardwalk. She had lifted her hands, palms up, above her waist. She was, unmistakably, dancing.

CORTES AND MONTEZUMA

CORTES and Montezuma are walking, down by the docks. Little green flies fill the air. Cortes and Montezuma are holding hands; from time to time one of them disengages a hand to brush away a fly.

Montezuma receives new messages, in picture writing, from the hills. These he burns, so that Cortes will not learn their contents. Cortes is trimming his black beard.

Doña Marina, the Indian translator, is sleeping with Cortes in the palace given him by Montezuma. Cortes awakens; they share a cup of chocolate. *She looks tired*, Cortes thinks.

Down by the docks, Cortes and Montezuma walk, holding hands. "Are you acquainted with a Father Sanchez?" Montezuma asks. "Sanchez, yes, what's he been up to?" says Cortes. "Overturning idols," says Montezuma. "Yes," Cortes says vaguely, "yes, he does that, everywhere we go."

At a concert later that evening, Cortes is bitten on the ankle by a green insect. The bug crawls into his velvet slipper. Cortes removes the slipper, feels around inside, finds the bug and removes it. "Is this poisonous?" he asks Doña Marina. "Perfectly," she says.

Montezuma himself performs the operation upon Cortes's swollen ankle. He lances the bitten place with a sharp knife, then sucks the poison from the wound, spits. Soon they are walking again, down by the docks.

A group of great lords hostile to Montezuma holds a secret meeting in Vera Cruz, under the special protection of the god Smoking Mirror. Debate is heated; a heavy rain is falling; new arrivals crowd the room.

Doña Marina, although she is the mistress of Cortes, has an Indian lover of high rank as well. Making her confession to Father Sanchez, she touches upon this. "His name is Cuitlahuac? This may be useful politically. I cannot give you absolution, but I will remember you in my prayers."

In the gardens of Tenochtitlan, whisperers exchange strange new words: *guillotine*, *white pepper*, *sincerity*, *temperament.*

Cortes's men break through many more walls but behind these walls they find, invariably, only the mummified carcasses of dogs, cats, and sacred birds.

Down by the docks, Cortes and Montezuma walk, holding hands. Cortes has employed a detective to follow Montezuma; Montezuma has employed a detective to follow Father Sanchez. "There are only five detectives of talent in Tenochtitlan," says Montezuma. "There are others, but I don't use them. Visions are best—better than the best detective."

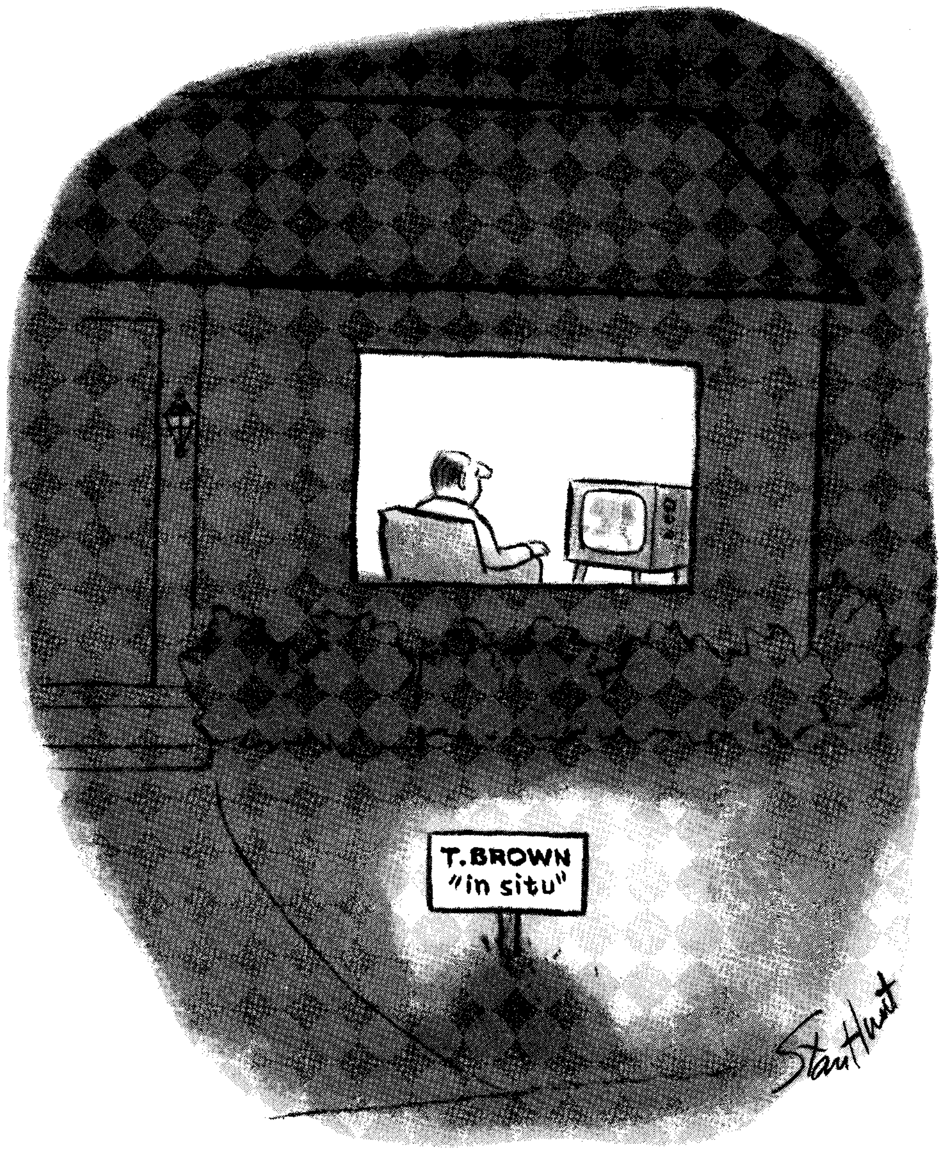
Atop the great Cue, or pyramid, Cortes strikes an effigy of the god Blue Hummingbird and knocks off its golden mask; an image of the Virgin is installed in its place.

Doña Marina is walking, down by the docks, with her lover Cuitlahuac, Lord of the Place of the Dunged Water.

"When I was young," says Cuitlahuac, "I was at school with Montezuma. He was, in contrast to the rest of us, remarkably chaste. A very religious man, a great student—I'll wager that's what they talk about, Montezuma and Cortes. Theology." Doña Marina tucks a hand inside his belt, at the back.

Bernal Diaz del Castillo, who will one day write "The True History of the Conquest of New Spain," stands in a square whittling upon a piece of mesquite. The Proclamation of Vera Cruz is read, in which the friendship of Cortes and Montezuma is denounced as contrary to the best interests of the people of Mexico, born and yet unborn.

CORTES and Montezuma are walking, down by the docks. "I especially like the Holy Ghost. *Qua* idea," says Montezuma. "The other God, the Father, is also—" "One God, three Persons," Cortes corrects gently. "That the Son should be sacrificed," Montezuma continues, "seems to me wrong. It seems to me He should be sacrificed *to*. Furthermore," Montezuma stops and taps Cortes meaning-



"Having a fine old name really has been enough for me."

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fully on the chest with a brown forefinger, "where is the Mother?"

Bernal asks Montezuma, as a great favor, for a young pretty woman; Montezuma sends him a young woman of good family, together with a featherwork mantle, some crickets in cages, and a quantity of freshly made soap. Montezuma observes, of Bernal, that "he seems to be a gentleman."

Breaking through a new wall, Cortes's men discover, on the floor of a chamber behind the wall, a tiny puddle of gold.

The Proclamation is circulated throughout the city; is sent to other cities.

Bernal builds a stout hen coop for Doña Marina. The sky over Tenochtitlan darkens; flashes of lightning; then rain sweeping off the lake.

Down by the docks, Cortes and Montezuma take shelter in a doorway. "Doña Marina translated it; I have a copy," says Cortes.

"When *you* smashed Blue Hummingbird with the crowbar—"

"I was rash. I admit it."

"You may take the gold with you. All of it. My gift."

"Your Highness is most kind."

"Your ships are ready. My messengers say their sails are as many as the clouds over the water."

"I cannot leave until all of the gold in Mexico, past, present and future, is stacked in the holds."

"Impossible on the face of it."

"I agree. Let us talk of something else."

Montezuma notices that a certain amount of white lint has accumulated on his friend's black velvet doublet. He thinks: *She should take better care of him.*

In bed with Cortes, Doña Marina displays for his eyes her beautiful golden buttocks, which he strokes reverently. A tiny green fly is buzzing about the room; Cortes brushes it away with a fly whisk made of golden wire. She tells him about a vision. In the vision Montezuma is struck in the forehead by a large stone, and falls. His enraged subjects hurl more stones.

"Don't worry," says Cortes. "Trust me."

Father Sanchez confronts Cortes with the report of the detective he has hired to follow Doña Marina, together with other reports, documents, photographs. Cortes orders that all of the detectives in the city be arrested, that the profession of detective be abolished forever in Tenochtitlan, and that Father Sanchez be sent back to Cuba in chains.

In the marketplaces and theatres of the city, new words are passed about: *tranquillity*, *vinegar*, *entitlement*, *schnell.*

Down by the docks, Cortes and Montezuma are walking with Charles V, Emperor of Spain.

Doña Marina follows at a respectful distance carrying two picnic baskets containing many delicacies: caviar, white wine, stuffed thrushes, gumbo.

Charles V bends to hear what Montezuma is saying; Cortes brushes from the person of the Emperor little green flies, using a fly whisk made of golden wire. "Was there no alternative?" Charles asks. "I did what I thought best," says Cortes, "proceeding with gaiety and conscience." "I am murdered," says Montezuma.

The sky over Tenochtitlan darkens; flashes of lightning; then rain sweeping off the lake.

The pair walking down by the docks, hand in hand, the ghost of Montezuma rebukes the ghost of Cortes. "Why did you not throw up your hand, and catch the stone?"

—DONALD BARTHELME

DOCTOR'S SONS

Dick was sitting at the kitchen table with his left hand resting flat, fingers spread, on a linen placemat decorated with Coast Guard flags. He was trimming his nails with a pinch clipper and crying. The mustache he had recently grown for his twenty-fifth birthday was wet with tears. He was embarrassed, and his cheeks and throat had the high color of a rash. Mrs. Sorenson, Dick's mother, sat across the kitchen table with a paperback book in her hand. She was humming along with the "Porgy and Bess" tape that was being piped from a tape deck in the family den.

Dick arched a finger and wiped away a streamer of tears from his cheekbone. He used his fork to break up the last strip of bacon on his breakfast plate. He looked out the kitchen window and said, "Here comes a pregnant girl." He clicked a fork tine on the windowpane.

Mrs. Sorenson stood up to get a better look at a pretty woman in white who was striding up the Sorensons' driveway. A fabric bag, stuffed with flyers, was slung on the woman's shoulder like a purse.

"About seven months pregnant, I would guess," Mrs. Sorenson said. "Is Spencer still out there?"

Dick nodded and shoved the window up a crack. "Here comes someone," he said to his brother, who was lying on his stomach in a nylon lounge chair on the blacktop just under the window. Spencer was wearing green swim trunks and dark glasses. His back was basted with oil. He flipped over in the chair and waved to the young pregnant woman.

Mrs. Sorenson put the window down. "I would imagine that's a volunteer who's canvassing for the school-bond issue," she said.

Dick was frowning. He watched his brother chat with the girl.

"She'll be sorry she ever came by," said Mrs. Sorenson, "once Spencer gets going."

Dick sighed aloud and appeared to have difficulty swallowing. His eyes spilled tears.

"Come on, now," Mrs. Sorenson said. She opened her book.

"I'm thinking about my wife," Dick said.

Mrs. Sorenson wet her index finger with her tongue and turned a page. "Which wife?" she said.

"Gladys, of course. She's living somewhere in the Oldsmobile you and Dad gave me. I told you already."

"This sounds hard," said Mrs. Sorenson, "but we gave it to both of you."

"But she's *living* in it," Dick said.

"Don't let your father hear you complain about that. He thinks there are worse places to live than in new Oldsmobiles."

"No one but me ever liked Gladys in her whole life," Dick said.

Mrs. Sorenson sang a little with "I Loves You, Porgy." "Oh, I apologize," she said, breaking off. "You'd probably appreciate a little quiet."

"No, I enjoy the music," Dick said.

"Well, it's beginning to bother *me*," Mrs. Sorenson said. She stood and touched Dick's shirtsleeve. "I like that grille pattern," she said.

"I'd better tell Spencer to come inside," Dick said, "so that girl can get the word to the voters." He picked a navel orange from a fruit bowl and bumped it several times on the window. Spencer shifted his position on the lounge chair and grinned broadly at Dick. The pregnant woman moved off, walking backward and making good-bye gestures. When she was gone, Dr. Sorenson appeared outdoors, trailing a garden hose, and squirted the blacktop around Spencer. Steam rose from the wetted drive.

"I'm going to stop that tape," Mrs. Sorenson said, leaving the kitchen through a swinging door. Dick took his plate to the sink and cleaned it with a damp lilac-colored sponge.

Spencer came through the outside door, slamming the screen, and sat in Dick's chair. His chest was wet with hose water, and he had stuck a blue paper sticker over his ribs. "Thumbs Up on Issue One," the sticker read.

"That girl I was talking to," Spencer said, "her husband's on the staff at White Cross with Dad. He's a neurosurgeon."

"I'm so glad," Dick said.

"I told her she's wasting her summer campaigning for a bond issue," Spencer said. "I told her the economy's collapsing and there'll be a global depression by 1990."

Mrs. Sorenson came back into the kitchen and found Dick sniffling. She bent over and put one arm around his waist. "You're so attractive, with those blond curls framing your face," she said.

"I'm so attractive," Dick said in a squeaky voice, mimicking his mother.

"Uh-oh—Dick's in a ditch," Spencer said. "Did you see the girl I was talking to?" he asked his mother. "Her husband's at White Cross with Dad."

"And I remember her from someplace else," Mrs. Sorenson said. "She's a patient of your father's. He'll be delivering that baby."

"None of us wants to think about that," Dick said.

"I told her what will happen with Eurodollars, and how the depression in 1990 will show that the nineteen-thirties depression was just one in a series," Spencer said.

Mrs. Sorenson was spraying the steel sinks with the dish rinser. "You look very tan and fit," she said to Spencer. "You seem to be having a good summer."

"I told that woman to bury her pocket change in her back yard," Spencer said. He took a pack of gum from the waistband of his swim trunks and slid a stick between his white teeth. "Come on, Dick," he said, getting up. He pulled his brother out of the kitchen by the arm.

Upstairs, in their bedroom, Spencer shoved Dick into a velours chair. "Put this on," he said, handing Dick a cordovan loafer.

Dick slid the shoe onto his bare foot. "It's too big," he said.

Kneeling in front of Dick, Spencer lifted the foot with the shoe onto his thigh. He laid a yellow scrap of soft cloth across the toe and began to shine it, buffing the leather.

"Did you just put a lot of polish on this shoe?" Dick said, shaking his foot loose. "Because look what it's doing." There was a ring of dark wax on the side of his ankle.

Spencer had his head turned. "Sh-h-h," he said. "Listen—Mom and Dad."

There was a baritone noise from Dr. Sorenson, and Mrs. Sorenson's tinkling response.

"What are they laughing about?" Spencer said.

"I wouldn't know," said Dick. "Probably not about us." —Mary Robison

SIERRA LEONE

WE were the same age, in our late twenties, and had known each other casually for years, but we didn't meet in any serious way till the night of the Cuban Crisis. I had met her many times with Jerry McCredy, a politician who had a wife and family in the suburbs and a reputation as a womanizer round the city; but by my time all his other women had disappeared. The black-haired Geraldine was with him everywhere, and he seemed to have fallen in love at last when old, even to the point of endangering his career. It was common gossip in the firm of accountants where I worked, which handled his account as well as those of other politicians. In the small Dublin world at the fringe of government, a very blurred line runs between business and the social and I was continually meeting them. I had thought her young and lovely and wasted.

There was a fever everywhere I turned in the city of Dublin that night. It was so quiet as to be almost unreal, the streets and faces hushed. I had been wandering from window to window, where the lighted television sets were on display in the area round Grafton Street. On every television set the Russian ships were still on course for Cuba. There was a growing air that we were walking in the last quiet evening of the world. "It looks none too good," a voice said, and I heard Geraldine's laugh at my side as I stood staring at the ships moving silently across the screen.

"None too good." I turned. "Are you scared?"

"Of course I'm scared."

"Do you know it's the first time we've ever met on our own?" I said. "Where's Jerry?"

"He's in Cork. At a meeting. One that a loose woman like myself can't appear at." She laughed her provocative laugh.

"Why don't you come for a drink, then?"

"I'd love to. With the way things are, I was even thinking of going in for one on my own."

The bar we picked had a stillness such as I had never known. People looked up from their drinks as each fresh news flash came on the set high in the corner, and it was with visible relief that they bent down again to the darkness of their pints.

"It's a real tester for that old chestnut about the Jesuit. When he was asked what he'd do if he was playing cards at five minutes to midnight and was suddenly told that the world was to end at midnight," I said as I took our drinks to a table. The table was in one of the far corners of the bar, in full sight of the screen.

"And what *would* he do?"

"He'd continue playing cards, of course. It's to show that all things are equal. It's only love that matters."

"That's a fine old farce." She lifted her glass.

"It's strange, how I've always wanted to ask you out, and that it should happen this way. I always thought you very beautiful."

"Why didn't you tell me?"

"You were with Jerry."

"You should still have told me. I don't think Jerry ever minded the niceties very much when he was after a woman." She laughed, and then added softly, "Actually, I thought you disliked me."

"Anyhow, we're here this night."

"I know. But it's somehow hard to believe it."

It was the stillness that was unreal, the comfortable sitting in chairs with drinks in our hands, the ships leaving a white wake behind them on the screen. We were in the condemned cell waiting for reprieve or execution, except that this time the whole world was the cell. There was nothing we could do.

Her hair shone dark blue in the light. Her skin had the bloom of ripe fruit. The white teeth glittered when she smiled. We had struggled toward the best years; now they waited for us, and all was to be laid waste as we were about to enter on them. I moved my face close to hers. Our lips met. I put my hand on hers.

"Is Jerry coming back tonight?"

"No."

"Can I stay with you tonight?"

"If you want that." Her lips touched my face again.

"It's all I could wish for—except, maybe, a better time."

"Why don't we go, then?" she said softly.

We walked by the Green, closed and hushed within its railings, not talking much. When she said, "I wonder what they're doing in the Pentagon as we walk these steps by the Green," it seemed more part of the silence than speech.

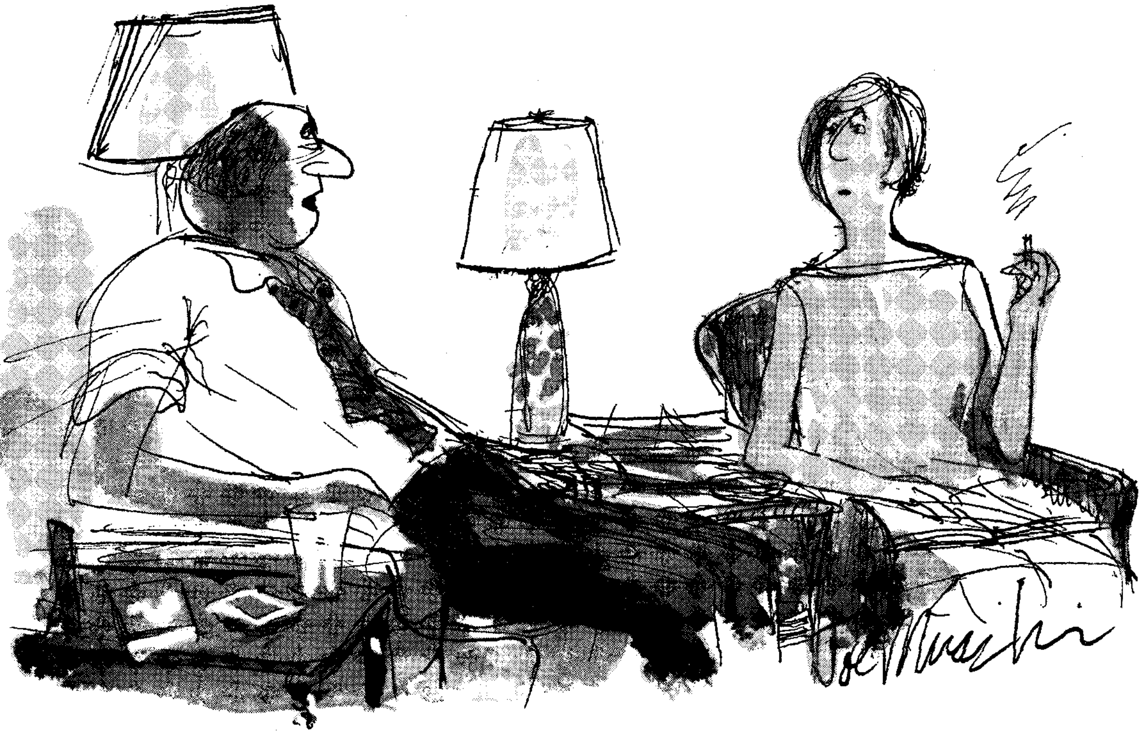
There was a bicycle against the wall of the hallway when she turned the key, and it somehow made the stairs and linoleum-covered hallway more bare.

"It's the man's upstairs," she said, nodding toward the bicycle. "He works on the buses."

The flat was small and untidy.

"I had always imagined Jerry kept you in more style," I said.

"He doesn't keep me," she said



"Janet, we've spent twenty-eight years trying to reach an understanding. What do you say from here on in we just relax?"

• •

sharply. "I pay for this place. He always wanted me to move, but I would never give up my own place." But she could not be harsh for long, and began to laugh. "Anyhow, he always leaves before morning. He has his breakfast in the other house." She switched off the light on the disordered bed and chairs. The night had been so tense and sudden that we had no desire except to lie in one another's arms, and as we kissed a last time before turning to seek our sleep she whispered, "If you want me during the night, don't be afraid to wake me up."

The Russian ships had stopped, the radio told us the next morning as she made coffee on the small gas stove beside the sink in the corner of the room. The danger seemed about to pass. Again the world breathed, and it appeared foolish to have believed it had ever been threatened.

Jerry was coming back from Cork that evening, and we agreed as we kissed to let this day go by without meeting, but to meet at five the next day in Gaffney's of Fairview. We picked Gaffney's because it was out of the way. Even there we would run risk enough.

The bicycle had gone from the hallway by the time I left. The morning met me as other damp cold Dublin mornings, the world almost restored already to its comfortable slow movement. The rich uses we dreamed when it was threatened were now forgotten when again it lay all about us in such tedious abundance.

"DID Jerry notice or suspect anything?" I asked when we met at Gaffney's the next evening at five.

"No," she said. "All he talked about was the Cuban business. Apparently, they were just as scared. They stayed up drinking all night in the hotel. He had a terrible hangover."

That evening, we went to my room, and she was, in a calm and quiet way, completely free with her body, offering it as a gift. With the firelight leaping on the walls of the locked room, I said, "There is no Cuba now. It is the first time, you and I," but in my desire I was too quick.

Afterward, she took my face between her hands and drew it down. "Don't worry. There will come a time soon enough when you won't have that trouble."

"How did you first meet Jerry?" I asked after a while, to cover the silence.

"My father was mixed up in politics in a small way, and he was friendly with Jerry; and then my father died while I was at the convent in Eccles Street. Jerry seemed to do most of the arranging at the funeral. And then it seemed natural for him to take me out on those half days and Sundays that we were given free."

"Did you know of his reputation?"

"Everybody did. It made him dangerous and attractive. And then one Saturday half day we went to this flat in an attic off Baggot Street. He must have borrowed it for the occasion, for I've never been in it since. I was foolish. I knew so little. I just thought you lay in bed with a man and that was all that happened. I remember it was raining. The flat was right under the roof, and there was the loud drumming of the rain all the time. That's how it began. And it's gone on from there ever since."

She drew me toward her, but she quickly rose and said, "I have to hurry. I have to meet Jerry at nine," and the pattern of our time together had been set.

"It doesn't seem right that you are leaving me to go to him," I would say.

"What are we going to do about it?" she would ask.

"At least you and he aren't fouling up anybody. I feel sometimes as if I was stabbing him in the back," I said one night as she was dressing to leave, combing her hair in the big cane armchair, drawing the lipstick across her lips in the looking glass.

"You seem very moral all of a sudden. What about his wife?"

"I'm sorry. I didn't mean it," I apologized. But we felt the responsibility enter softly but definitely, as any burden.

"Why can't you stay another hour?"

"I know what'd happen in one of those hours," she said, but the tone was affectionate and dreamy. "I'd get pregnant as hell in one of those hours."

"What should we do?"

"Maybe we should tell Jerry," she said, and it was my turn to be alarmed.

"What would we tell him?"

The days of Jerry's profligacy were over. Not only had he grown jealous, he had grown violent. Not long before, hearing that she had been seen in a bar with a man and not being able to find her, he had taken a razor and slashed the dresses in her wardrobe to ribbons.

"We could tell him everything," she

WITH THE SHELL OF A HERMIT CRAB

Lugete, O Veneres Cupidinesque . . . —Catullus.

This lovely little life whose toes
Touched the white sand from side to side
How delicately no one knows
Crept from his loneliness, and died.

From deep waters long miles away
He wandered, looking for his name,
And all he found was you and me,
A quick life and a candle flame.

Today, you happen to be gone.
I sit here in the raging hell,
The city of the dead, alone,
Holding a little empty shell.

I peer into his tiny face.
It looms too huge for me to bear.
Two blocks away the sea gives place
To river. Both are everywhere.

I reach out and flick out the light.
Darkly I touch his fragile scars
So far away, so delicate,
Stars in a wilderness of stars.

—JAMES WRIGHT

• •

said without conviction. "That we want to be together."

"He'd go berserk. You know that."

"He's often said that the one thing he feels guilty about is having taken my young life. That we should have met when both of us were young."

"That doesn't mean he'll think me the ideal man for the job," I said. "They say the world would be a better place if we looked at ourselves objectively and subjectively at others, but that's never the way the ball bounces."

"Well, what are we to do?"

"I think you should leave Jerry. Tell him that you just want to start up a life of your own."

"But he'll know that there's someone."

"That's his problem. You don't have to tell him. We can stay apart for a while. And then take up like two free people."

"I don't know," she said as she put on her coat. "And then, after all that, if I found that you didn't want me, I'd be in a nice fix."

"There'd be no fear of that. Where are you going tonight?"

"There's a dinner that a younger branch of the party is giving. It's all right for me to go. They think it rather dashing of Jerry to appear with a young woman."

"I'm not so sure. Young people don't like to see themselves caricatured, either."

"Anyhow, I'm going," she said.

"Will it be five in Gaffney's tomorrow?"

"At five, then," I heard as the door opened and softly closed.

"DOES Jerry suspect anything at all?" I asked her again on another evening over Gaffney's small coal fire. Spring had come by this time but not good weather.

"No. Not at all. Odd that he often was suspicious when nothing was going on and now that there is he suspects nothing. Only the other day he was asking about you. He was wondering what had become of you. It seemed so long since we had seen you last."

This pattern had gone on for months, and our easy thieving that was hardly loving—anxiety curbed by caution, appetite so luxuriously satisfied it could hardly give way to the dreaming that draws us close to danger—was wearing itself naturally away when now a different relationship was made alarmingly possible.

She told me that Jerry had been suddenly offered a lucrative contract to found a new radio-television network in Sierra Leone, and he was thinking of accepting. Ireland, as a small nation with a history of oppression, was suddenly becoming useful in the Third World.

"He goes to London the weekend after next for the interview, and he'll almost certainly take it," she said.

"That means the end of his political career here."

"There's not much further he can get here. It gives him prestige, a different platform, and a lot of cash."

"How do you fit into this?"

"I don't know."

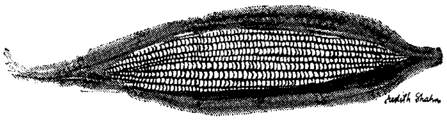
"Does he want to take you with him?"

"He'll go out on his own first, but he says that as soon as he's settled there and sees what the setup is he wants me to follow him."

"What'll you do?"

"I don't know," she said in a voice that implied that I was now part of these circumstances.

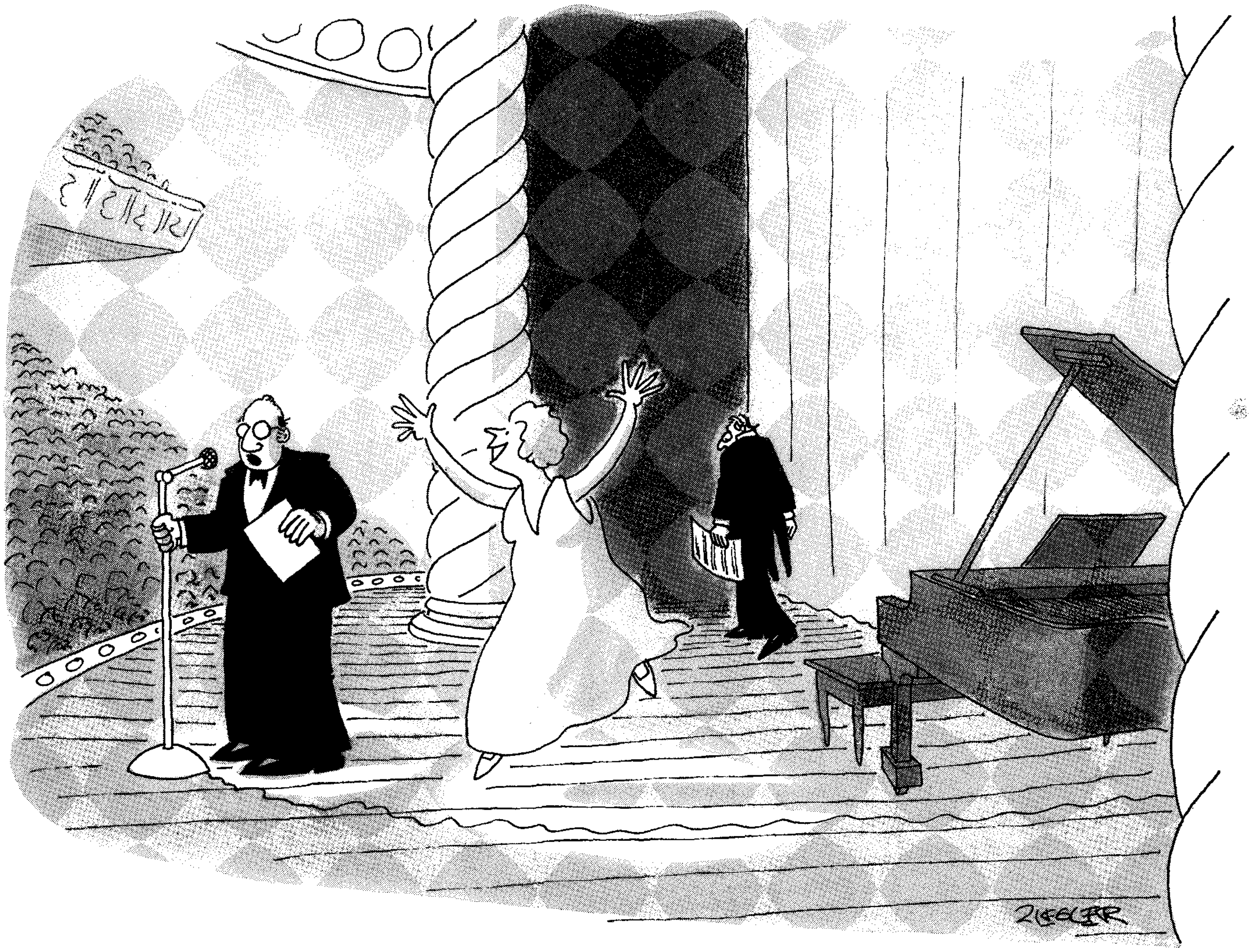
SLANE was a lovely old village in the English style, close to Dublin. One Sunday that spring, we'd had lunch at the one hotel, more like a village inn than a hotel, with plain wooden tables and chairs, the walls and fireplaces simple black and white, iron scrapers on the steps outside the entrance. Now she suggested that we go there the weekend Jerry was on interview in London. The country weekend—the walks along the wooded banks of the river, coming back to the hotel with sharp appetites to have one drink in the bar and then to linger over lunch in the knowledge that we had the whole long curtained afternoon spread before us—was dream enough. But was it to be all that simple? Did we know one another at all, and were we prepared to spend our lives together?



We had often talked of my stepmother and father—of their rich farm in the country. "Do you think, would they like me?" she used to ask. "I know they'd love you," I'd say uneasily, and tell her of the trees and acres I would probably one day inherit. "If everything was simple," she'd say, meaning, I presume, if McCredy and my parents conveniently forgot to exist, "we'd go there and start our lives together away from this bloody city."

Even as we made plans for our weekend, it was growing clear that she wasn't sure of me and that I wasn't sure. Thursday, when the telegram came from my father in the country, saying it was urgent I come home, I was for once almost glad of the drama and mysteriousness.

It was with a good deal of relief, then, that I handed her the telegram that evening as we met to decide the final arrangements. We were meeting in Gaffney's, as usual. She read the tele-



"Accepting the applause for Mr. Fontana—Mr. Fontana's mother."

• •

gram without speaking, not looking up when the barman brought us drinks. Always, before, she had some word or a smile for him.

"It seems we're just out of luck this time," I said.

"So it's goodbye to our poor weekend." She handed me back the telegram.

"It's only one weekend," I protested. "We'll have as many as we want once Jerry goes."

"You remember when I wanted to tell Jerry that we were in love and you wouldn't have it. You said we didn't know one another well enough, and then when we can have two whole days together you get this telegram. How are we ever going to get to know one another except by being together?"

"Maybe we can still go?"

"No. Not if you are doubtful. I think you should go home."

"Will you come back with me this evening?"

"No. I have to have dinner with Jerry."

"When?"

"At eight."

"We'll have time. We can take a taxi."

"No, love." She was quite definite.

"Will you meet me when I come back, then?" I asked uncertainly.

"Jerry comes back from London on Sunday."

"On Monday, then?"

"All right, on the Monday." There was no need to say where or when. She even said, "See you Monday," to the barman's silent inquiry as we left, and he waved "Have a nice weekend" as he gathered in our glasses.

I WAS returning home: a last look at the telegram before throwing it away, an overnight bag, the ticket, the train—the old wheel turned and turned anew, wearing my life away; but if it wasn't this wheel it would be another.

At the farm, Rose, my stepmother, seemed glad to see me, smiling hard, speaking rapidly. "We even thought you might come on the late train last night. We said he might very well be on that train when we heard it pass. We kept the kettle on till after the news, and then we said you'll hardly come now, but even then we didn't go to bed till we were certain you'd not come."

"Is there something wrong?"

"No. There's nothing wrong."

"What does he want me for?"

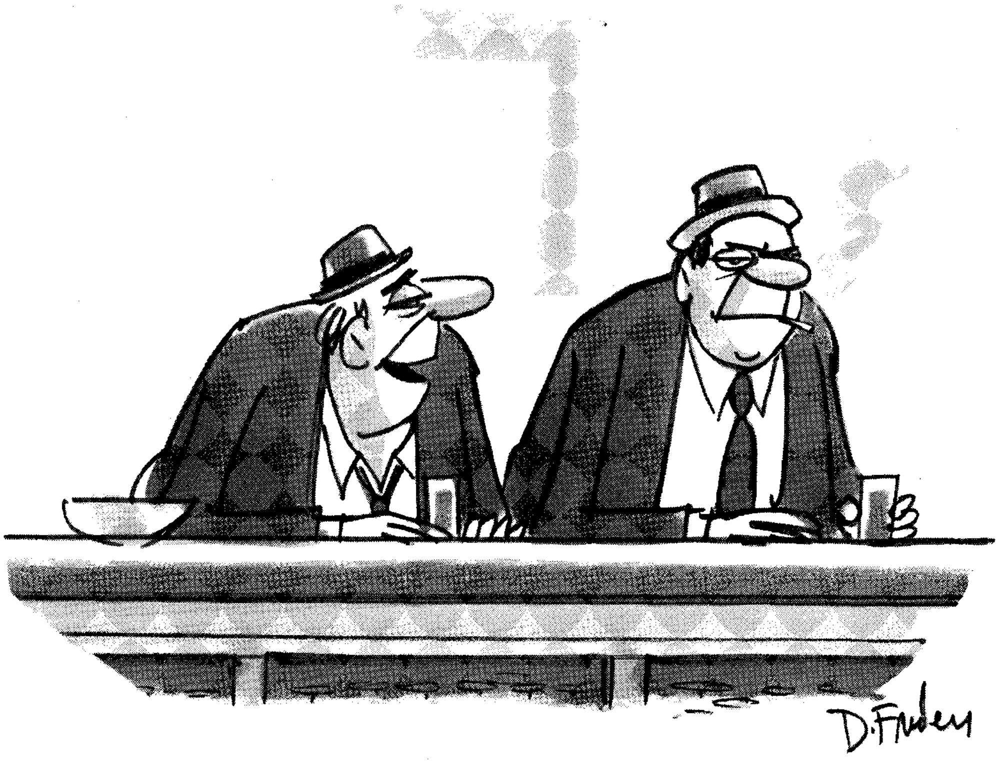
"I suppose he wants to see you. I didn't know there was anything special, but he's been worrying or brooding lately. I'm sure he'll tell you himself. And now you'll be wanting something to eat. He's not been himself lately," she added conspiratorially. "If you can, go with him, do your best to humor him."

We shook hands when he came, but we did not speak, and Rose and I carried the burden of the conversation during the meal. Suddenly, as we rose at the end of the meal, he said, "I want you to walk over with me and look at the walnuts."

"Why the walnuts?"

"He's thinking of selling the walnut trees," Rose said. "They've offered a great price. It's for the veneer, but I said you wouldn't want us to sell."

"A lot you'd know about that," he said to her in a half snarl, but she



"O.K., then! If you don't like my energy program, let's hear your energy program."

covertly winked at me, and we left it that way.

"Was the telegram about the selling of the walnut trees, then?" I asked as we walked together toward the plantation. "Sell anything you want as far as I'm concerned."

"No. I have no intention of selling the walnuts. I threaten to sell them from time to time, just to stir things up. She's fond of those damned walnuts. I just mentioned it as an excuse to get out. We can talk in peace here," he said, and I waited.

"You know about this act they're bringing in?" he began.

"No."

"They're giving it its first reading, but it's not the law yet."

"What is this act?"

"It's an act that makes sure that the widow gets so much of a man's property as makes no difference after he's dead—whether *he* likes it or not."

"What's this got to do with us?"

"You can't be that thick. I'll not live forever. After this act who'll get this place? Now do you get my drift? Rose will. And who'll Rose give it to? Those damned relatives will be swarming all over this place before I'm even cold."

"How do you know that?" I was asking questions now simply to gain time to think.

"How do I know?" he said with manic grievance. "Already the place is disappearing fast beneath our feet. Only a few weeks back the tractor was missing. Her damned nephew had it. Without as much as a by-my-leave. They forgot to inform me. And she never goes near them that there's not something missing from the house."

"That's hardly fair. It's usual to share things round in the country. She always brought more back than she took." I remembered the baskets of raspberries and plums she used to bring back from their mountain farm.

"That's right. Don't take my word," he shouted. "Soon you'll know."

"But what's this got to do with the telegram?" I asked, and he quieted.

"I was in to see Callan, the solicitor. That's why I sent the telegram. If I transfer the place to you before that act becomes law, then the act can't touch us. He said as well that there was a crying need of a good accountant in the town. You could even buy out old McGuinness, who is half doting anyhow. And you could get this place running right once more. It's some of the best land in the whole countryside. And I'm not able for it anymore. Do you get me now?"

I did—too well. He would disinherit Rose by signing the place over to me. I would inherit both Rose and the place if he died.

"You won't have it signed over to you, then?"

"No. I won't. Have you said any of this to Rose?"

"Of course I haven't. Do you take me for a fool or something? Are you saying to me for the last time that you won't take it?" And when I wouldn't answer he said with great bitterness, "I should have known. You don't even have respect for your own blood," and, muttering, walked away toward the cattle gathered between the stone wall and the first of the walnut trees. Once or twice, he moved as if he might turn back, but he did not.

We did not speak any common language, and to learn another's language is more difficult than to learn any foreign language, especially since perfect knowledge is sure to end in murder. We avoided each other that evening, and the next day I tried to slip quietly away.

"Is it going you are?" Rose said sharply when she saw me about to leave.

"That's right, Rose."

"You shouldn't pass any heed on your father. You should let it go with him. He won't change his ways now. You're worse than he is, not to let it go with him."

For a moment I wanted to ask her, "Do you know that he wanted to leave you at my sweet mercy after his death?" but I knew she would answer, "What does that matter? You know he gets these ideas. You should let it go with him," and when I said, "Goodbye, Rose," she did not answer, and I did not look back.

As the train trundled across the bridges into Dublin and by the gray back of Croke Park, all I could do was stare. The weekend was over. If it had happened differently, it would still be over. Differently, she and I would have had our walks and drinks, made love in the curtained rooms, experimented in the ways of love, pretending we were taming instinct, imagining we were getting more out of it than had been intended, and afterward . . . Where were we to go from there? And it would be over and not over. I had gone home instead—a repetition of other homegoings, and it, too, was over now.

She would have met McCredy at the airport already, they would have had dinner, and if their evenings remained the same as when I used to meet them together they would now be having drinks in some bar. As the train came slowly into Amiens Street, I suddenly wanted to find them, to see us all together. They were not in any of the Grafton Street bars, and I was on the point of giving up—with gratitude that I hadn't been able to find them—when I saw them in a hotel lounge by the river. They were sitting at the counter, picking at a bowl of salted peanuts between their drinks. He seemed glad to see me, getting off his stool. "I was just saying here how long it is since we last saw you," he said in his remorseless slow voice, as if my coming might lighten an already heavy-hanging evening. He was so friendly that I could easily have asked him how his interview had gone, amid the profusion of my lies, forgetting that I wasn't supposed to know.

"I've just come from London. We've had dinner at the airport." He began to tell me all that I already knew.

"And will you take this job?" I asked after he had told me at length about the weekend, without any attempt to select among its details, other than to put the whole lot in.

"It's all arranged. It'll be in the papers tomorrow. I leave in three weeks' time," he said.

"Congratulations," I proffered uneasily. "But do you have any regrets about leaving?"

"No. None whatever. I've done my marching stint and speeching stint. Let the young do that now. It's my time to sit back. There comes a time of life when your grapefruit in the morning is important."

"And will her ladyship go with you?"

"I'll see how the land lies first, and then she'll follow. And by the way"—he began to shake with laughter and gripped my arm so that it hurt—"don't you think to get up to anything with her while I'm gone."

"Now that you've put it into my head, I might try my hand." I looked for danger, but he was only enjoying his own joke, shaking with laughter as he rose from the barstool. "I better go spend a penny on the strength of that."

"That—was—rotten," she said without looking up.

"I suppose it was. I couldn't help it."

"You knew we'd be round. It was rotten."

"Will you see me tomorrow?"

"What do you think?"

"Anyhow, I'll be there."

"How did your weekend in the country go?" she asked sarcastically.

"It went as usual, nothing but the usual." I echoed her own sarcasm.

McCredy was still laughing when he came back. "I've just been thinking that you two should be the young couple and me the uncle, and if you do decide to get up to something you must ask Uncle's dispensation first." And he clapped me on the back.

"Well, I better start by asking now," I said quickly, in case my dismay would show, and he let out a bellow of helpless laughter. He must have been drinking, for he put arms round both of us. "I just love you two young people." Tears of laughter slipped from his eyes. "Hi, barman, give us another round before I die."

I SAT inside the partition in Gaffney's the next evening as on all other evenings, the barman as usual polishing glasses, nobody but the two of us in the bar.

"Your friend seems a bit later than usual this evening," he said.

"I don't think she'll come this evening," I said, and he looked at me inquiringly. "She went down the country for the weekend. She was doubtful if she'd get back."

"I hope there's nothing wrong."

"No. Her mother is old. You know the way." I was making for the safety of the roomy clichés.

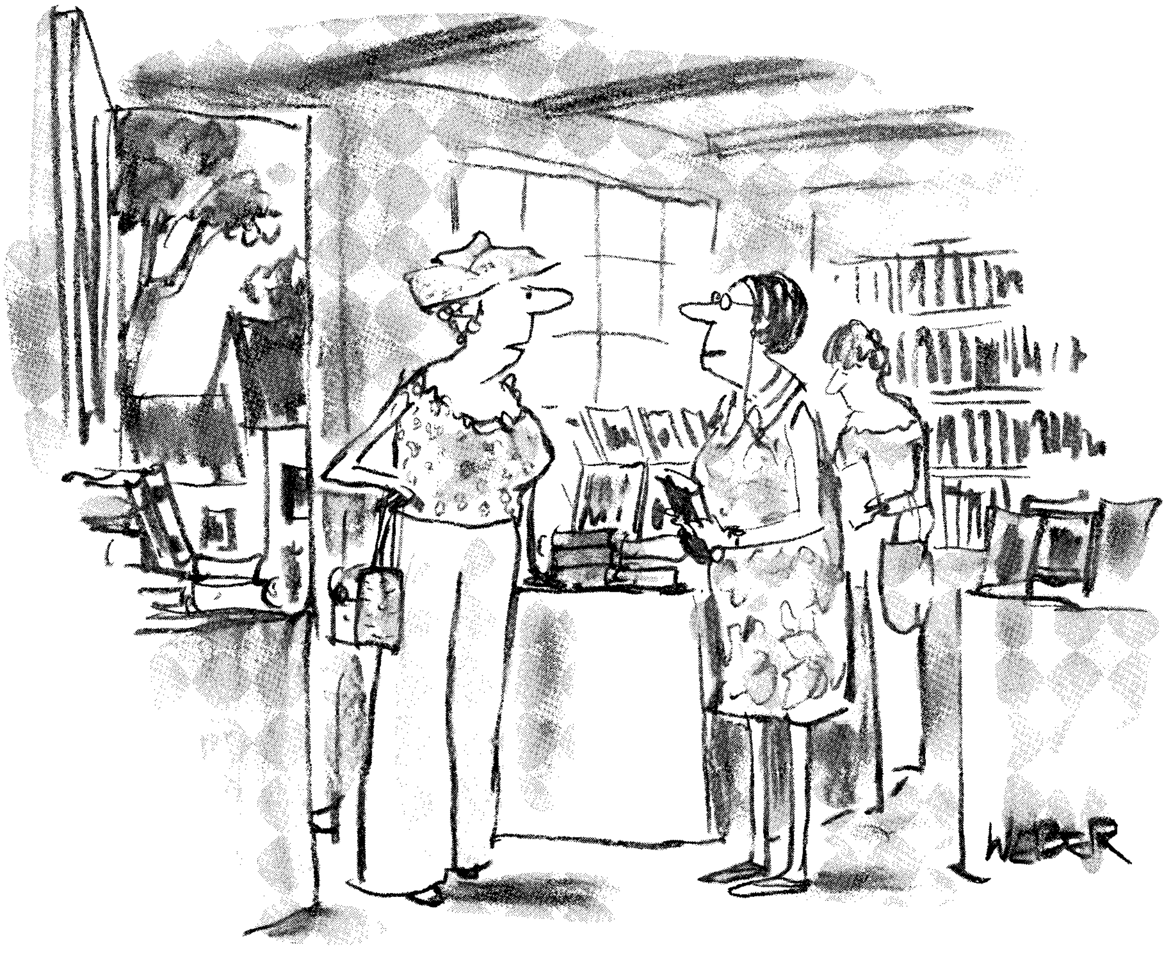
"That's the sadness. You don't know whether to look after them or your own life."

Before any pain of her absence could begin to hang about the opening and closing doors as the early-evening drinkers bustled in, I got up and left; yet her absence was certainly less painful than the responsibility of a life together. But what then of love? Love flies out the window, I had heard them say.

"She'll not come now," I said.

"No. It doesn't seem," he said as he took my glass with a glance in which suspicion equalled exasperation.

WE did not meet till several weeks later. We met in Grafton Street, close to where we had met the first night. A little nervously, she agreed to come for a drink with me. She looked



"I've decided to plow into Edith Wharton."

quite beautiful, a collar of dark fur pinned to her raincoat.

“Jerry’s in Sierra Leone now,” she said when I brought the drinks.

“I know. I read it in the papers.”

“He rang me last night,” she said. “He was in the house of a friend—a judge. I could hear music in the background. I think they were a bit tight. The judge insisted he speak to me, too. He had an Oxford accent. Very posh. But apparently he’s as black as the ace of spades.” She laughed. I could see that she treasured the wasteful call.

She began to tell me about Sierra Leone, its swamps and markets. There were avocado and cacao and banana trees. The rivers were crocodile-infested. Jerry lived in a white-columned house on a hillside above the sea, and he had been given a chauffeur-driven Mercedes. She laughed when she told me that a native bride had to spend the first nine months of her marriage indoors, so that she grew light-skinned.

“Will you be joining Jerry soon?” I asked.

“Soon. He knows enough people high up now to arrange it. They’re getting the papers in order.”

“I don’t suppose you’ll come home with me tonight, then?”

“No.” There wasn’t a hint of hesitation in the answer; difficulty and distance were obviously great restorers of the moral order.

“You must let me take you to dinner, then, before you leave. As old friends. No strings attached.”

“That’ll be nice,” she said.

Out in Grafton Street, we parted as easily as two leaves sent spinning apart by any sudden gust. All things begin in dreams, and it must be wonderful to have your mind full of a whole country like Sierra Leone before you go there and risk discovering that it might be your life.

ON the eve of her departure for Sierra Leone, another telegram came from the country. There was nothing mysterious about it this time. Rose had died.

The overnight bag, the ticket, the train . . .

The iron gate under the yew was open and the blinds of the stone house at the end of the gravel were drawn. Her flower garden, inside the wooden gate in the low whitethorn hedge just before the house, had been freshly weeded, and the coarse grass had been cut with shears. Who would tend the flowers now? I shook hands with everybody in the still house, including my father, who did not rise from the chair he’d converted from a car seat years before.

I heard them go over and over what happened, as if by going over and over it they would return it to the everyday. “Rose got up, put on the fire, left the breakfast ready, and went to let out the chickens. She had her hand on the latch coming in when he heard this thump, and there she was lying, the door half open.”

I went into the room to look on her face. The face was over, too. If she had been happy or unhappy it did not show now. Would she have been happier with another? Who knows the person another will find happiness or unhappiness with?

“Why don’t you let it go with him,” I heard her voice say. “You know what he’s like.” She had lived rooted in this one place and life, with this one man, like the black sally in the one hedge, as pliant as it is knobbed and gnarled, keeping close to the ground as it invades the darker corners of the meadows.

The coffin was taken in. The house was closed. I saw some of the mourners trample on the flowers as they waited in the front garden for her to be taken out. She was light on our shoulders.

Her people did not return to the house after the funeral. They had relinquished any hopes they had to the land.

“We seem to have it all to ourselves,” I said to my father in the empty house. He gave me a venomous look but did not reply for long.

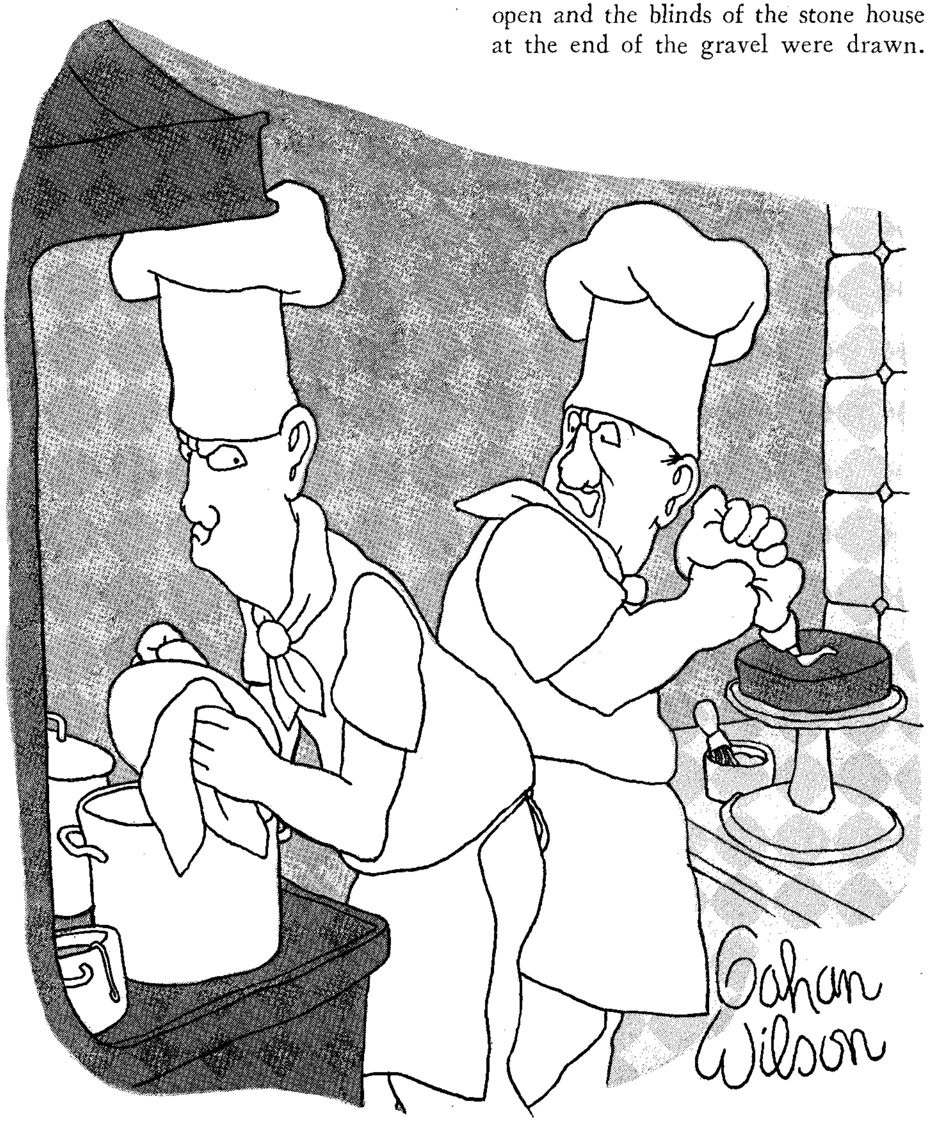
“Yes,” he said. “Yes. We seem to have it all to ourselves. But where do we go from here?”

Not, anyhow, to Sierra Leone. For a moment I saw the tall colonial building on a hill above the sea, its white pillars, the cool of the veranda in the evening. . . . Maybe they were facing one another across a dinner table at this very moment, a servant removing the dishes.

Where now was Rose?

“I suppose we might as well try and stay put for a time,” I said, and when my father looked at me sharply I added, for the sake of my own peace, “That is, until things settle a bit, and we can find our feet again, and think.”

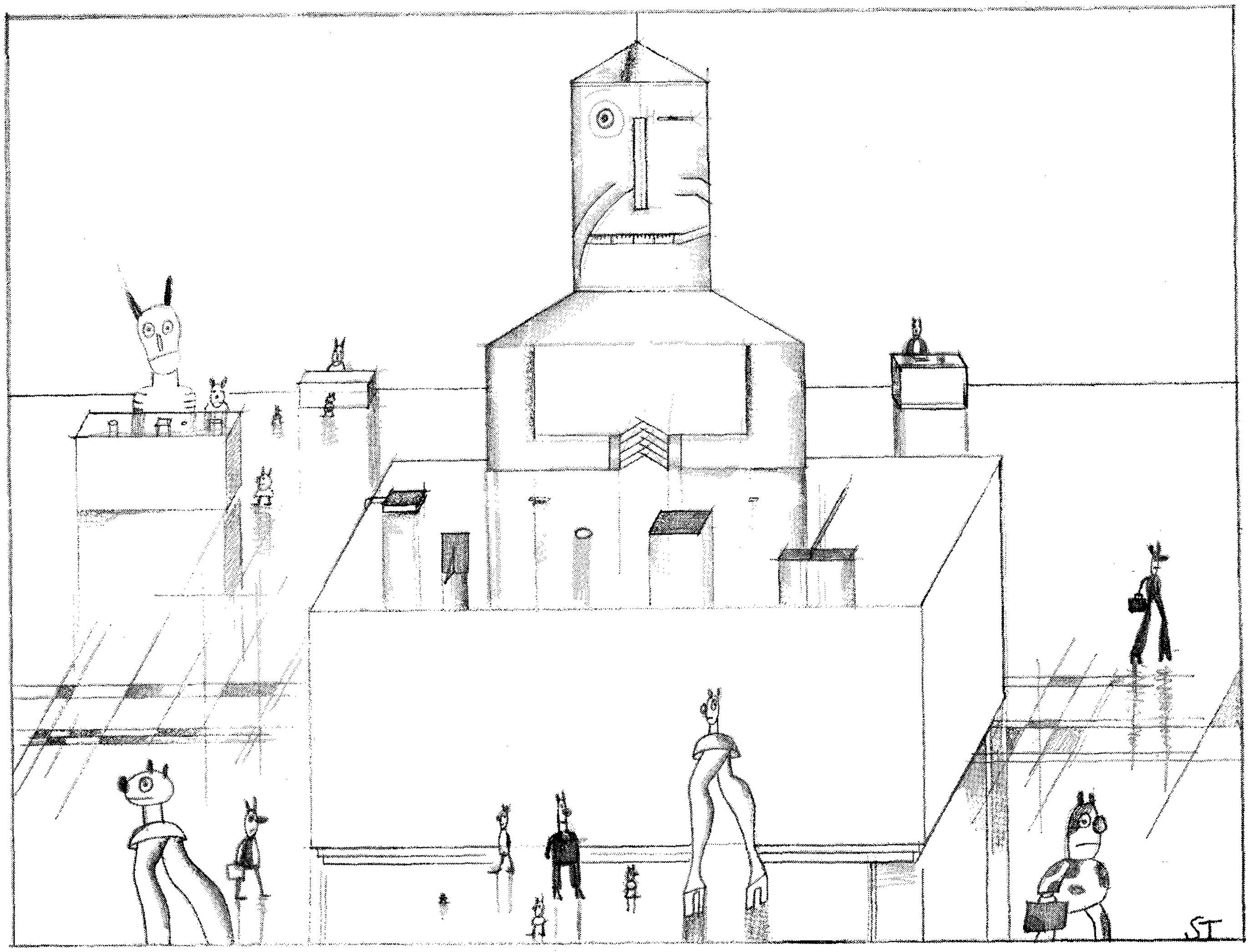
—JOHN McGAHERN



“Look—who cares how much thyme you use?”

ANNALS OF CRIME

DEAD SOULS IN THE COMPUTER—I



CRIME usually does its ingenious best to keep pace with technology, so it is probably inevitable that some of the more interesting specialized manifestations of criminality to emerge recently have had to do with deliberate misuses of the computer. Over the past two decades, computers have come to play such a dominant role in the processing of all kinds of information that it is now difficult to imagine any large-scale enterprise being able to function without them. In banking; in conducting credit transactions of every kind, including those involving credit cards; in keeping records of corporate sales; in drawing up inventories and payrolls; in trading securities; and in maintaining Social Security, health, welfare, and tax records—in all these activities the computer has become an essential organizational tool. Some hundred and fifty thousand computers are currently in use in the United States, but that figure does not reflect the true extent of computerization in the country, for just one large computer may serve several thousand individuals or corporations, who, on a time-sharing basis, feed their particular programming data into it by telephone connection from remote keyboard terminals or other devices, and receive, via telephone line, printouts or other records of processed information. The number of Americans now directly involved in computer operations is more than two million. This group includes programmers, who translate written information into binary computer language and prepare it in step-by-step, logical form for electronic processing; operators who handle the computers themselves and their data-storage libraries; and operators at keyboard terminals and printout terminals.

The number of citizens whose lives are affected by computers is, of course, incomparably greater than this, for it includes practically everyone who has a bank account, engages in any kind of credit transactions, or has any kind of financial relationship with the government or with any large organization. In fact, one would have to be a hermit nowadays to avoid involvement in the economic and social consequences of computer-processing activity. To most people, the computer is a sort of unseen universal engine of unfathomable complexity—a device capable of calculating at incredible speed the correct path to land spacecraft on Mars, the status of one's bank account, or the seating available on a commercial-airline flight. It seems to possess an almost magical ability to produce certainty out of a box, and at the same time it endows what used to be transactions between human beings, which were slower and perhaps less efficiently conducted, with an air of chilling impersonality. The intimidating effect of the computer is not confined to people who have only an ordinary citizen's knowledge of its functioning but often extends to managers and chief officers of big corporations that employ computers on a large scale. These executive types seem to be fascinated by the efficiency of computers and by the endless printouts that can be ordered up at the touch of a button, and too often they tend to place in the veracity of these instant and apparently unassailable results a faith that they would almost certainly hesitate to place in the work of mere human beings. Even professional auditors seem frequently to give unusual credence to the accuracy of the computer printouts that form a large part of the evidence of an organization's financial position. Often, an auditor's faith in the computer has led to surprises.

The impersonality of the computer also affects the people who are in the computer profession—who work as programmers or computer operators, or who staff remote terminals connected to the computers. But, having a working understanding of what computers can and cannot do, these people are less prone to intimidation by the computing process than are the managers of the corporations that employ them or the citizens the daily details of whose lives are now so largely subject to computer accounting and recording. It seems that a sort of computer mystique has helped make possible a significant increase in illegal manipulations of the computer, in which it and its technology have been used as instruments of embezzlement, fraud, and theft.

It also seems that computers have driven some people who work with them to crimes that have taken on the quality of ideological acts. A clear example, involving theft through a computer of what in this kind of crime is an altogether trifling sum—the equivalent of seven hundred and twenty dollars—was that of an English salary clerk named Henry King. In a court in Cambridge, he pleaded guilty to manipulating the computer programming for his company's salary accounts in such a way as to have the computer pay him salary checks to which he was not entitled. In his defense, his lawyer explained to the court that King had undertaken to outwit his company's computer because it was "a horrible impersonal machine."

Records of computer crime contain a number of instances in which the computer has been an object of physical attack, for the reason that someone has come to regard it either as a kind of electronic destroyer of personal identity or as an abhorrent symbol of corporate capitalism. Sometimes these attacks are committed by programmers or other computer processors in irrational outbursts, and sometimes they are planned, for political or other reasons. Several incidents have involved guns being fired at computers. In 1974, at an installation at the Charlotte Liberty Mutual Life Insurance Company, in Charlotte, North Carolina, a computer operator, apparently in a fit of frustration, was reported to have fired a handgun several times at the company computer. In Olympia, Washington, in 1968, an unknown person fired two shots from a pistol at an I.B.M. 1401 computer in a state employment office. And in a municipal office in Johannesburg, South Africa, in 1972, an unidentified person, who city officials suspected may have been the recipient of an exorbitant bill of some kind, fired four shots through a window at a computer. The computer was dented but continued working.

Where guns have not been used, attackers seem to have employed any instruments at hand to disable computers. After half a million dollars had been spent in attempts to correct fifty-six serious breakdowns over a two-year period in a Burroughs 3500 computer used by the National Farmers Union Service Corporation of Denver to process data from the Farmers Union insurance companies, a computer operator was arrested and accused of having caused the breakdowns by inserting a car key in a memory-disc file, thus short-circuiting the computer's memory. The suspect, who was caught in 1972 through the use of a closed-circuit television monitor, was subsequently quoted as telling police that he had committed the acts because of an "overpowering urge" to shut the computer down. A while later, in New York, a memory system in a Metropolitan Life Insurance Company computer was found to have been damaged by an attack with a screwdriver. And an attack in 1972 on the core memory system of a Honeywell computer used by a New York bank—this one evidently also carried out with a pointed instrument—caused damage to the computer estimated at five hundred and eighty-nine thousand dollars.

Computers have also been the targets of sabotage by radical and revolutionary groups. During the Vietnam war, a number of computer centers on American campuses—particularly those at universities reported to be engaged in Defense Department research—were bombed by radical students. In 1970, for example, a computer center at the University of Wisconsin was bombed, resulting in the death of one student and damage estimated at one and a half million dollars. In the same year, a Molotov-cocktail bombing of a computer at Fresno State College, in California, caused damage estimated at a million dollars. In 1973, antiwar demonstrators in Australia shot a computer in the offices of an American computer manufacturer in Melbourne. The weapon

THREE VIEWS OF A WOMAN INHALING

There was a month when I looked every day
for what it was that smelled like this:
the shade in a burning whitewashed alley,
pungent and filling as silo grain, sand-colored
stucco shadowed by leaf-dapple. I would walk
with laundry piled in white folds on my arm, lean
over the banked glowing bushes, and smell for it.

In late summer, that same year, I was struck again
by the mysteries. One noon hour, on the steps of
an airplane, the smell was thick in the air of Spain.
Every shadow was black, sharp-edged on the macadam;
you could be sure the smell had cast them.
The smell there was shady—filled with earlier days
and white cotton—and it came out of nowhere.

Four stories above the Brooklyn courtyards
on a cool summer day, another year, I leaned out
to take clean linen off the line, snapping the sheets
hard in the city wind. Inside, bread lay covered by cloths.
The warm, sweet crust smelled strong of knife-trees;
when the ailanthus leaves snapped taut on the line
knives flew like pigeons down to the pavement.

—Elizabeth Macklin

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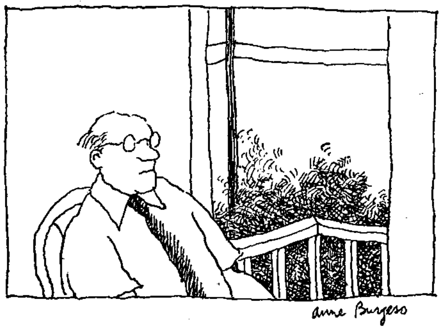

used was a double-barrelled shotgun, and the damage to the computer was extensive. At New York University, in 1970, a group of radical students placed gasoline bombs on an Atomic Energy Commission computer being used by the university, and declared that they would destroy the computer unless they were given a hundred thousand dollars to pay the bail bond of a jailed Black Panther. Faculty members raced into the computer room in time to defuse the devices.

An attack on an academic computer facility in Rome last June was more successful. According to a Reuters dispatch, three masked women, armed with rifles and a silencer-equipped pistol, held two professors and an assistant on duty powerless in a computer center at the university while a male accomplice poured gasoline on the center's computer and then set it on fire. The computer-terrorist women gave no motive for their behavior. Damage to the computer and the premises was estimated at more than two million dollars.

"It's true, Dave, I've asked a lot from life, but so far, I'm happy to say, life's come through."

• •

THE impersonality of the computer and the fact that it symbolizes for so many a system of uncaring power tend not only to incite efforts to strike back at the machine but also to provide certain people with a set of convenient rationalizations for engaging in fraud or embezzlement. The computer lends an ideological cloak for the carrying out of criminal acts. Computer crime, to those who engage in it, is not like stealing a purse from an old lady; it imparts to theft a nice, clean quality. Except in actual physical assaults on computers, computer crime is seldom associated with overt violence. It also holds several other attractions for the potential lawbreaker. It provides intellectual challenge—a form of breaking and entering in which the burglar's tools are essentially an understanding of the logical structure of and logical flaws inherent in particular programming and processing systems. It opens the prospect of obtaining money by means that, while clearly illegal, do not usually involve taking it directly from the till or the cashier's drawer. In most large organizations, money that is kept on the premises is guarded far more strictly than the company computers and their contents are. In our computer-oriented society, however, the use of actual money has become less frequent; instead, its equivalent circulates vicariously, in the form of digital information on tapes or other storage devices. Only the proper application or manipulation of computer logic can convert these signals into real money, by directing them electronically to particular accounts, on which negotiable checks can be drawn. (More likely than not, the checks are made out by a computer.) The attenuation of money into digital impulses has probably contributed to the increasing incidence of waywardness among people who continually process so much of it in such a form.

Other tempting features of computer crime, as distinct from other forms of criminal activity, are that most such crimes are difficult to detect and that when the guilty parties *are* detected not much seems to happen to them. For various reasons, they are seldom intensively prosecuted, if they are prosecuted at all. On top of these advantages, the haul from computer crime tends to be very handsome compared with that from other crimes. For example, the average take in armed bank robberies committed in this country, the Federal Bureau of Investigation says, is currently ten thousand dollars. The average amount from all reports of missing funds from banks, including bank fraud and embezzlement, according to F.B.I. statistics, is about nineteen thousand dollars. Donn B. Parker, a computer-security expert at Stanford Research Institute (now S.R.I. International), in Menlo Park, California, who has made a specialty of gathering information on computer abuse and is the author of a book called "Crime by Computer," carried out a study of forty-two computer-related bank frauds and embezzlements committed in this country between 1962 and 1975, and found that the average take per crime was four hundred and thirty thousand dollars. While some reported computer crimes involve the theft or embezzlement of only thousands of dollars, quite a few involve very large sums; a million dollars from a computer crime is considered a respectable but not an extraordinary score. Still another attraction of crime by computer is the fact that once someone succeeds in breaking the security of a computer system, large amounts of money are not necessarily any more difficult for him to steal or embezzle than small ones. The total sums being stolen or obtained by fraud in this country through the subversion of the computer-processing system are difficult to estimate, but Parker guesses that there may be losses of a hundred million dollars or more annually. Estimates by other computer-security specialists have been as high as three hundred million a year.

IRONICALLY, the largest sum known to have been lost through a single computer crime involved not some disloyal company employee embezzling funds but a scheme directed by the company management itself. The victims were the company's customers. The crime in question was an integral part of the great Equity Funding Corporation of America scandal, which broke in 1973. From the mid-nineteen-sixties until the company's true condition came to light, Equity Funding, which had its headquarters in Los Angeles, was considered one of the hottest stocks on Wall Street. Equity Funding's apparent prosperity was based on the theory that by dealing in both mutual funds and insurance policies the company could make both kinds of investment highly attractive to potential customers; the customers would invest in mutual-fund shares through the company and at the same time buy life insurance issued by the company. Equity Funding itself would then pay the life-insurance premiums, recording the payments as a loan to the customer and using the mutual-fund shares he had bought as collateral for the loan. By this device, the customer was supposed to be able to make good use of cash that he might otherwise have had to tie up in insurance. From 1969 on, the company officer who took complete charge of this apparently successful operation was Stanley Goldblum, the chairman of the board. Under Goldblum's direction, the company embarked on a program of corporate expansion and acquisition. According to the report of Robert M. Loeffler, the trustee in bankruptcy, that program began more and more to depend upon fraud and misrepresentation, the main purpose being to raise the company's profitability illegally and so keep its stock—of which Goldblum and some of his associates in the company were major holders—selling at high prices.

"I found some old letters you wrote me before we were married. Your handwriting has quite noticeably changed."

The manner in which this scheme was carried out has caused the Equity Funding case to be characterized by some people, including Loeffler, as a securities fraud and by others as a computer fraud. True, it was only in the last few years of the fraud that the company's computer was brought into use as a tool to further—and further conceal—the plot, but the turn that the Equity Funding fraud took in this phase has the quality of a modern corporate reënactment of Nikolai Gogol's novel "Dead Souls." Pavel Ivanovitch Tchitchikov, the novel's wily antihero, travels through the heart of Russia making what are represented as authentic purchases of serfs, who are then sup-

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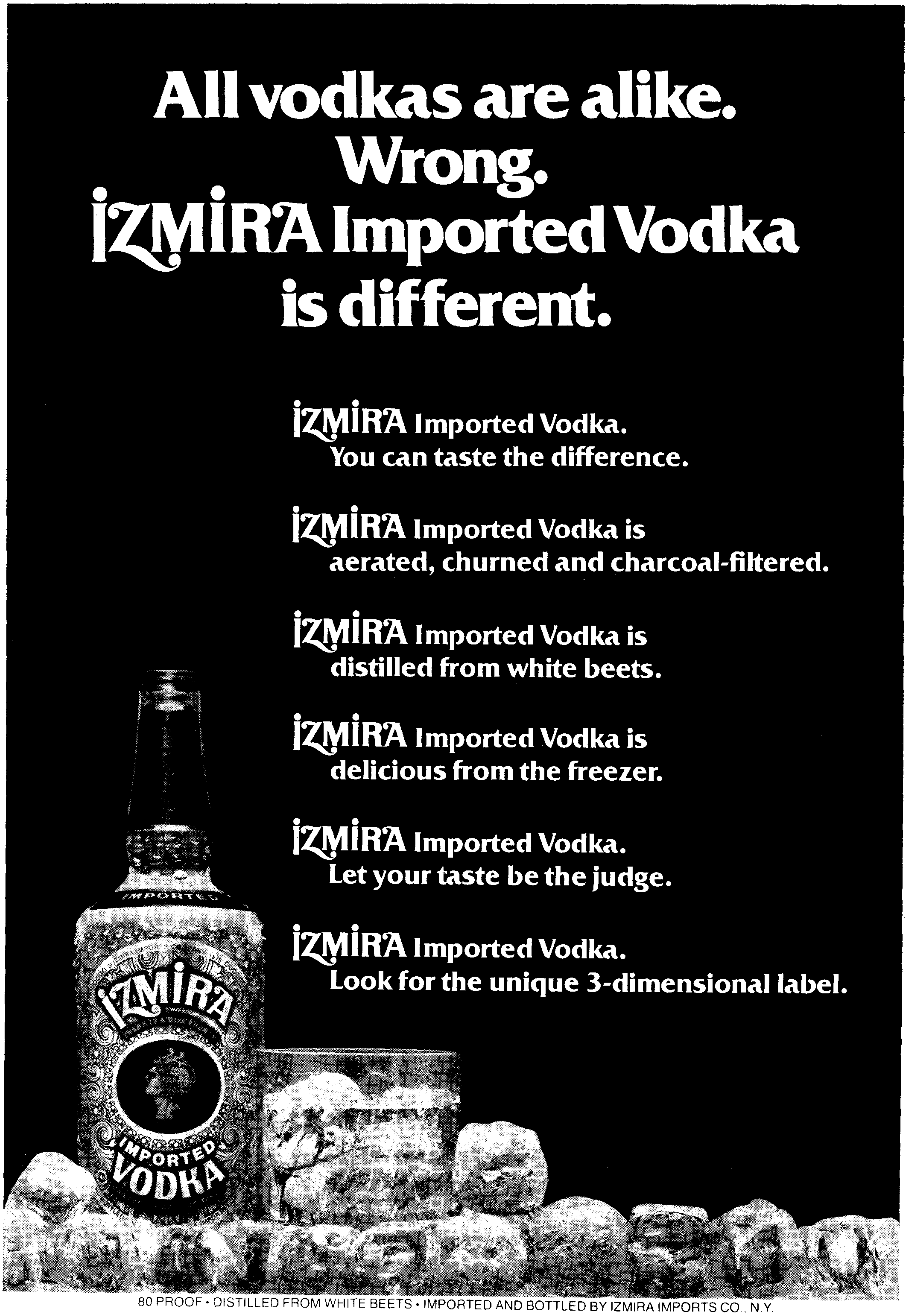
posed to be resettled as workers on an estate that Tchitchikov claims to own in a remote part of the country. However, the serfs, although their names are listed in the most recent provincial census, do not exist except in name, having died since the census was compiled. The scheme devised by Tchitchikov—and eventually uncovered—was to acquire these nonexistent people by formal deed, exactly as though they were alive, and to use these deeds as collateral in obtaining a large government mortgage, available only to serf-owners. With this loan in hand, he dreamed, he could proceed to buy real serfs and live prosperously on an estate bought with the government mortgage.

Had Tchitchikov's adventures taken place in the United States in the early nineteen-seventies, it could very well have occurred to him, as he considered various opportunities, that one way of converting nonexistent souls into hard cash would be to set himself up in the life-insurance business, use a computer to record insurance policies on people who didn't exist, and then sell the supposedly genuine policies to other insurance companies, through a system of reinsurance which people in the business customarily use in order to spread their actuarial risks and obtain ready cash. That is what several officers in charge of Equity Funding did, as an integral part of a vast securities fraud. In order to raise the price of Equity Funding stock, which by the end of the nineteen-sixties had fallen from its spectacular highs, some people in charge of the company began to make wholesale additions to their lists of genuine policyholders, the additions consisting of computerized bogus life-insurance-policy records, which were then sold to reinsurers under an arrangement whereby the reinsurer would bear some or all of the risks involved. The risks turned out to be only too real. The bogus records were manufactured within Equity Funding by a specially assigned staff and were fed into the company's computer as evidence of its growing salable assets. At first, these records existed only in a computerized summary form—listing, for example, the age, sex, policy number, premium, and coverage for a nonexistent policyholder, along with his invented name. The tapes on which this bogus information was recorded had been compiled from existing tapes that contained basic insurance information on real customers; when the genuine information was transferred, it was doctored by the substitution of fake policy numbers. And when the bogus business was rerouted in its new form into the computer, it was given the special code sign "Department 99" to identify it to the plotters, and to the computer, as requiring special handling when the occasion required. The computer was then used to process the bogus records in an ostensibly normal way, and the bogus policies, represented by computer printouts of doctored information, were sold—along with legitimate policies, belonging to real customers—to reinsurers. Since the terms of the sales gave the reinsurers the right to receive, after one year of the existence of each policy, the premiums supposed to be paid by the policyholder, Equity Funding required cash to cover these expected premium payments. Much of the cash was raised from sales to reinsurers based on yet additional spurious policyholder records, thereby adding to the pyramid. However, in order to be able to substantiate such bogus computerized records to auditors or reinsurers, where that should become necessary, the conspirators manufactured "original" paper documents on which the fake computerized information was supposedly based. For some time, these records were manufactured by company executives at what the bankruptcy trustee's report called "fraud parties," lasting well into the night, at the opulent company headquarters. At these sessions, some of the computerized records of the nonexistent insured people were modified to make them appear more genuine. For example, to avoid actuarial anomalies that might be noticed by the reinsurers, a certain number of the insured people had to be shown to have died in the course of a given year, and so, at the fraud parties, the conspirators would deprive various nonexistent policyholders of their supposed lives, converting them into truly dead souls. That did not bring the computerized existence of the supposed deceased to an end, however, because after declaring them dead the conspirators would then file with the reinsurers death-benefit claims, which were to be passed on to the heirs of the departed. The money received from the reinsurers on the basis of these bogus claims totalled one million one hundred and seventy-five thousand dollars, most of which was put into Equity Funding's own accounts, and showed up in its books as current earnings. And in a computer fraud within a computer fraud, a smaller sum—a hundred and forty-four thousand dollars—was routed into the personal bank accounts of particular conspirators, who took this action without the knowledge of the Equity Funding management people directing the original fraud.

In the spring of 1971, the ramifications of the Equity Funding computer swindle grew to such proportions that the conspirators estimated that there would be a requirement that year for between twenty thousand and fifty thousand bogus files, which, as before, would mostly be doctored variations of existing policyholders' files, with new names and policy numbers added—both in computerized form, for eventual sale to reinsurers, and, in selected samples, in the form of supportive documentation for the company's auditors. After the all-night fraud parties grew too onerous, the bogus computerized information was compiled not at the company headquarters but in a separate office, on Maple Drive, in Beverly Hills. The manual backup operation to support the fictional computerized lists included the manufacture of fake credit reports and fake medical reports on the nonexistent policyholders. When the auditors examining the computer printouts of the doctored tapes asked Equity Funding officers for the raw documentation on policyholders in the computerized file, the conspirators would obligingly promise to provide such documentation in the form of sample policies chosen by the computer at random. They would then order printouts of the samples, but since all the fake policies were tagged with the Department 99 code, they were able to instruct the computer to exclude all Department 99 records. They would inform the auditors that these particular files were in use at the moment, and would be available the next morning—meanwhile instructing their operatives on Maple Drive to rush them into being. During 1972, the Equity Funding computer readouts on the files of its fictitious policyholders recorded fourteen and a half million dollars' worth of business—which, of course, had never existed. (In terms of the face value of all the life-insurance policies supposedly in force, Equity Funding claimed it to total, during this period, $3.2 billion. But of this alleged face value, the bankruptcy trustee's report calculated that $2.1 billion was fictitious.) Of a total of ninety-seven thousand computer-recorded policies of insured citizens, about sixty-four thousand turned out to be the records of electronic dead souls. All told, the computer-fraud



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component of the Equity Funding scandal served as a means of furthering a larger fraud, in which, out of seven hundred and thirty-seven million dollars in assets that the company reported in its last financial statement, a hundred and eighty-five million dollars was nonexistent. Besides the reinsurers and institutional investors, tens of thousands of genuine insurance policyholders and investors in the mutual-fund operations of Equity Funding were heavily victimized in the whole operation.

The conspiracy fell apart in March of 1973 after a former employee of Equity Funding reported details of it to the New York State Insurance Department and to a Wall Street insurance analyst named Raymond Dirks, who, it seems, in turn notified some of his commercial clients as well as New York Stock Exchange officials of what he had heard. The worth of Equity Funding shares plunged wildly on the New York Stock Exchange. On March 27th, examiners from the California Insurance Department in the Equity Funding premises took firm security measures to guard records there, after notification from the federal Securities and Exchange Commission (based on word from an informer inside the company) that some incriminating computer tapes had been very recently altered and that other tapes were being systematically erased. Goldblum and several other Equity Funding officers were subsequently arrested, tried, and sent to prison on fraud charges.

FOR all the huge sums involved, the Equity Funding fraud, regarded only in terms of its computer-crime elements, does not seem to have been a particularly sophisticated affair compared with some other frauds, many of them committed on a less grand scale. It was simply a reckless pyramiding operation, which was bound to be uncovered sooner or later, and only surprisingly inadequate auditing procedures and downright gullibility and carelessness on the part of big Wall Street institutional investors permitted it to continue as long as it did. It depended on the use of the computer printout merely as a screen to make the detection of a vast amount of deliberate misinformation more difficult by routine auditing, and did not involve astute manipulation of the internal workings of the computer itself to make the traces of the crime extremely difficult to detect, as do the more adroit examples of computer crime. Since the criminal element directing the fraud consisted of management itself, there was no need to conceal the misuse of the computer from company officials. Furthermore, the fraud was carried out by a fairly extensive internal conspiracy. The more effective computer crimes are seldom the work of such conspiracies, for when the thoughtful computer criminal seeks an accomplice he usually prefers to turn to his computer console or his terminal keyboard.

However much management may have come to rely on these super-efficient data-processing systems, the systems inevitably contain certain imperfections, and it is the knowledge of these imperfections which can bring a gleam of temptation to the eye of a supposedly trustworthy bank employee—especially one who happens to feel that he has been treated unfairly by management. Such feelings encouraged a man I will call Stephen Hattner, the chief teller of the Park Avenue branch of the Union Dime Savings Bank, between 1970 and 1973, to manipulate accounts using a remote terminal at his office so that the bank's computer regularly printed out evidence that the bank's books were in order—which in fact they were, though the accounts themselves weren't. When the fraud was eventually uncovered, in the spring of 1973, it was not because of alertness on the part of the bank management, or because of suspicions held by any of the tellers whom Hattner had been in charge of, or through the supposedly elaborate security safeguards built into the bank's electronic data-processing system, or by vigilance on the part of the bank's own auditors. Rather, it was because of a police raid on the headquarters of a large bookmaking operation, whose members happened to be the subject of a federal, state, and local investigation.

On the raided premises, police seized a list of the bookies' customers, in which Hattner's name was included. It appeared from the bookie records that Hattner had been a big-spending customer. The police began an investigation in the hope of tracing the source of his funds, and he was followed to his place of employment. It turned out that Hattner, who was forty-one years old, was earning eleven thousand dollars a year, and lived, with his wife and children, in a suburban community in New Jersey, in a two-bedroom garden apartment, which he rented for two hundred and seventy-five dollars a month. During the years when he had been stealing from the bank, he had been betting as much as thirty thousand dollars a day on the races and other sports events, and was a heavy loser. All the money he dropped came out of the bank in cash. He had embezzled more than a million and a half dollars. None of the money was ever recovered. All of it had been blown, through the bookies, at the race track or on professional basketball. In its place, at the bank, was a set of Union Dime computer printouts that, over the three years of Hattner's criminal activities, indicated that the bank's accounts were in perfect balance.

Basically, what Hattner had done was to exploit his position as chief teller to take advantage of an error-correction routine that was built into Union Dime's computer system. By this means he was able, through a computer terminal he was authorized to use, to modify bank records so that customers who conducted transactions

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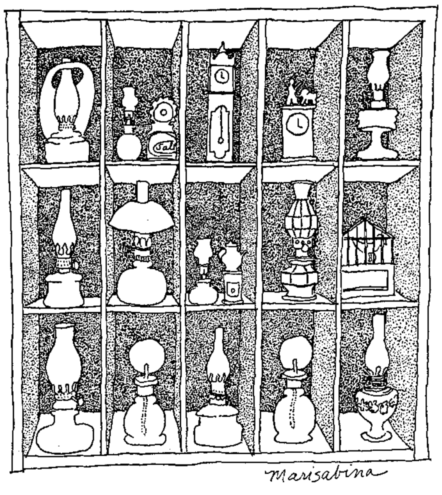
at Union Dime thought they had money in their accounts which they didn't have, and the computer, having been so instructed by Hattner, was moving the phantom sums from account to account in seemingly perfect order. While using the terminal to keep the books neatly in balance, Hattner moved money—or, rather, data representing money—among hundreds of accounts at Union Dime to prevent the discovery of the substantial shortages he was causing. Without any knowledge on the part of his family or his associates, Hattner had been a confirmed gambler for years. Also, he felt that the management was badly overworking and underpaying him. In 1970, when he began taking money to finance his gambling, one device he used was the looting of accounts in which there was little movement of money. In this he was helped by the fact that Union Dime did not send out monthly statements to its customers. Instead, it issued passbooks to them, and when customers wished to make deposits or withdrawals, or to receive interest on their accounts, they had to appear at the bank with their passbooks. When a teller put a passbook on the carriage of a registering machine connected to the bank's central computer, a transaction was recorded both in the passbook and in the bank's computer system. Hattner developed a special way of treating certain of these transactions. In the first period of his embezzlement, he concentrated on giving his unusual treatment to accounts having large balances—usually of a hundred thousand dollars or more. At the end of a banking day, he would look over the computer printouts of the day's transactions and pick out any large-balance accounts that had just been opened and recorded in the normal manner in the customer's passbook and in the computer records. If one of the accounts that Hattner picked out showed, for example, a hundred-thousand-dollar deposit, he would sit down at the computer terminal with the account number and, using his authority as chief teller, type out what is known as a supervisor's override—an error-correction instruction—and have the computer change the hundred-thousand-dollar-deposit figure to fifty thousand dollars. (The customer's passbook, of course, would continue to show a hundred thousand dollars.) Hattner would then go into his cash box or the bank vault and pocket fifty thousand dollars in cash. Unless the customer made a large withdrawal, the chances that the discrepancy would be discovered immediately were relatively small, Hattner reasoned. One thing he had to watch out for was interest payments, which were generally made quarterly. When the date for an interest payment approached, Hattner would take the missing principal from another account and move it, through the computer terminal, to the first account. For Union Dime's day-of-deposit accounts, interest was payable on the last day of each quarter of the year, but its time-deposit accounts were payable two days after that. Hattner used the difference in these due dates to transfer money back and forth so that no irreconcilable discrepancies could be detected either by customers or by bank officials.

As Hattner's embezzlement went on, he had to deal with more and more accounts, until, by means of his instructions through the computer terminal, he was juggling money among some fifty accounts at a time. He kept track of the accounts by notes he made on scraps of paper, which he put in his pockets, and as the fraud continued and the complications increased, his pockets became stuffed with these scraps. However, he appears not to have been much worried about the visits of the bank's auditors; he always had advance notice of their arrival, and he said subsequently that when they came he was well prepared and had little difficulty satisfying them. If the auditors asked him to explain an apparent mistake in an account, Hattner would appear concerned, go through the motions of checking on the discrepancy by telephone, and tell the auditors that he had discovered it to be the result of a data-processing error. On the spot, he would type an error-correction instruction into the computer as an ostensible resolution of the discrepancy. Out of sight of the auditors, however, he would further adjust the computer record by moving sums among accounts in such a way that the computer showed the accounts involved to be in balance. When Hattner was on vacation—he was careful never to take long ones—and discrepancies in customer accounts were brought to the attention of other tellers, they left memos for him so that he could resolve the discrepancies on his return. When he got back, he would sit down at the computer terminal and quickly make the necessary adjustments.



As time went on, and as Hattner grew more experienced in embezzlement, he tried to simplify the paperwork of his manipulations—his pockets were overflowing with his notes, and he was hiding slips of paper in his desk—by concentrating on accounts represented by certificates of deposit that were redeemable, with interest, on a certain date. He felt that he could avoid the complications of adjusting the regular accounts every quarter to reflect the usual interest, and concern himself merely with covering up the disappearance of money when particular certificates reached maturity. When that happened, he would calculate the interest due, add it to the principal, and pay the customer in cash, which he would obtain by altering the computer records of some other account.

In carrying out the fraud—particularly in its later period—Hattner, though he evidently felt no sympathy for the bank, became concerned that if he was caught individual depositors whose accounts he had been juggling would suffer financial harm. He knew that some of them were elderly people who had invested their life savings in Union Dime, and, out of a sense of responsibility for their situation, he became increasingly careful to see to it that, after a certain amount of juggling, his net defalcations from individual accounts did not exceed twenty thousand dollars—the limit for which individual deposits at all banks were then insured by the Federal Deposit Insurance Corporation. When the F.D.I.C. raised the insurance limit to forty thousand dollars per account, Hattner had no hesitation about raising his fraud limit to the same amount per customer. After his crime came to light, all the losses of individual depositors were, in fact, covered by insurance. In a Manhattan court, Hattner, charged with grand larceny to the extent of approximately a million and a half dollars, pleaded guilty and expressed remorse for his acts. He received a lenient prison sentence of twenty months, of which, with good behavior, he served fifteen. While he was in prison, he acted as a clerk in the assistant warden's office and taught a course in high-school mathematics—with the help, as it happened, of computer-connected instructional

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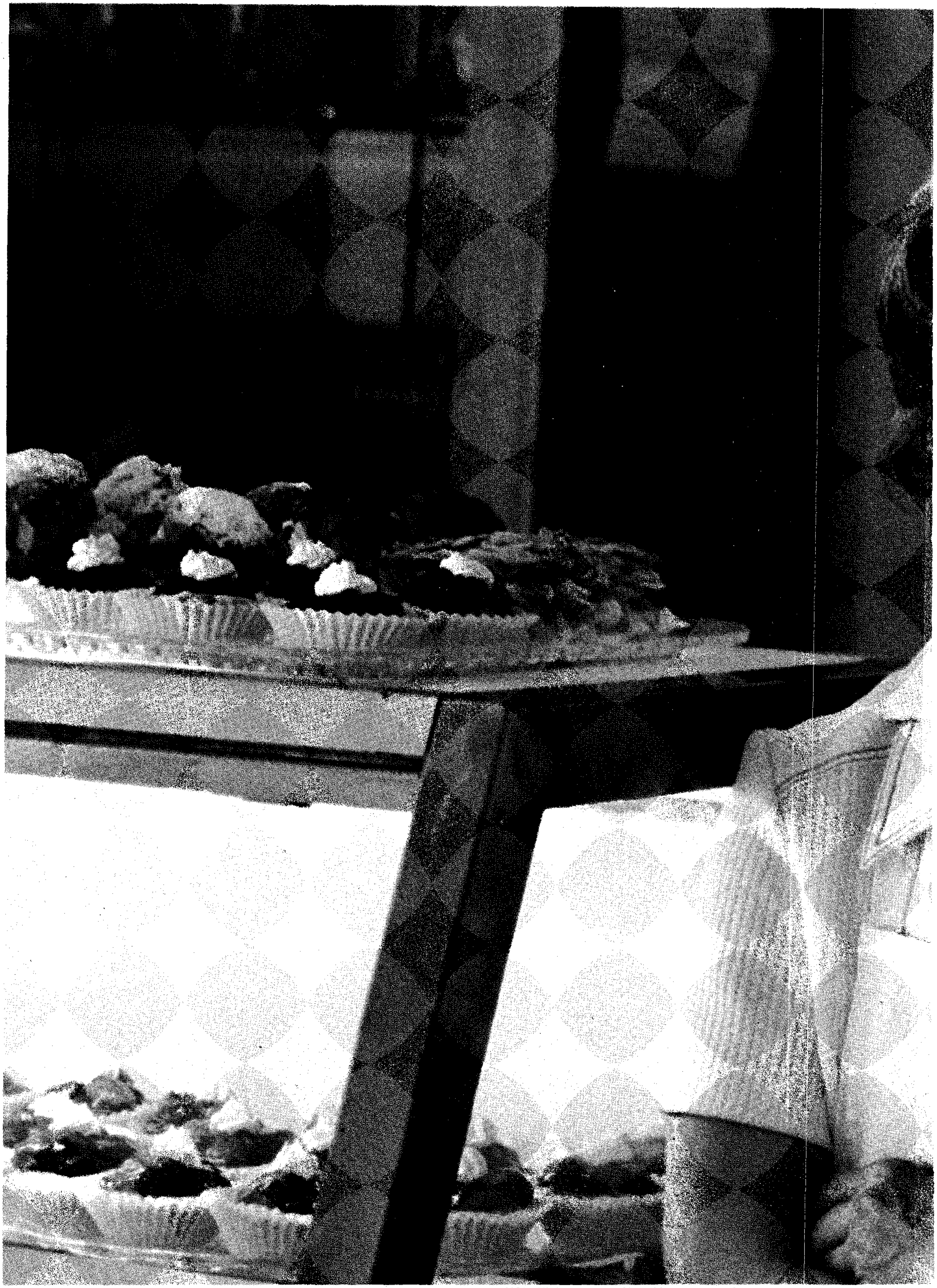

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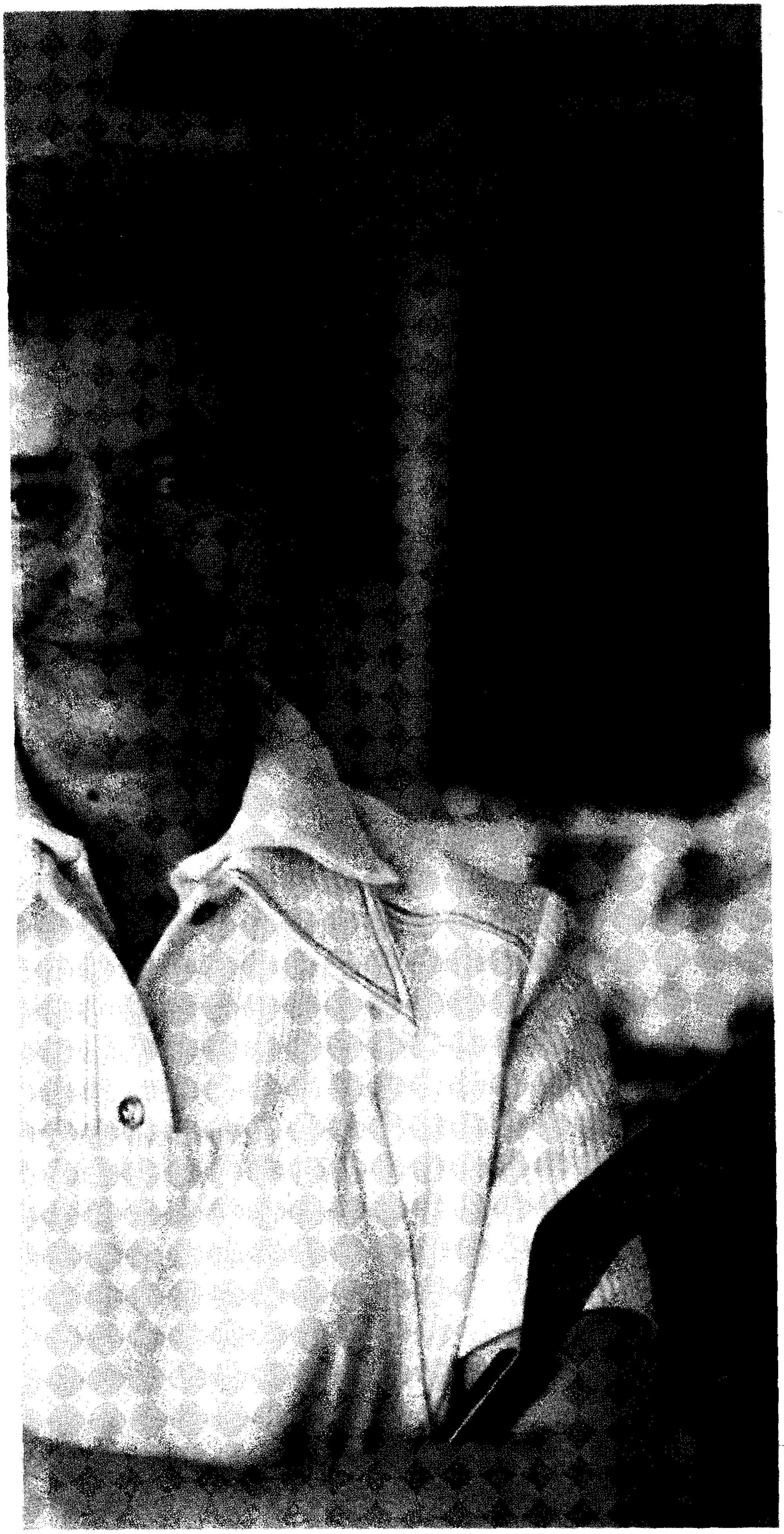

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terminals. After his release, he found work as a cabdriver in New Jersey. Like the Union Dime management, he prefers not to discuss the case with the press.

One of the unusual aspects of the Union Dime embezzlement, in terms of computer crime, is that Hattner was able to take away his proceeds in the form of hard cash, directly from the till. A further point of interest is that, for all his ability to conceal his computer-terminal fraud from the bank management and the auditors, he had had no training at all in computer science, having been given only enough instruction in how to operate a terminal to carry out his normal work. He had no special knowledge of the internal circuitry and programming of the computer itself. What he was able to learn about beating the system he learned primarily from his experience behind the bank counter—how instructions were typed into the computer and how the output of the computer, in the form of printouts, was modified by this input. That and a certain nimbleness, plus his familiarity with bank routine—and, of course, the pressing needs of his gambling activities—were what enabled him to make away with so much money for so long. If his bookmakers had not indiscreetly kept his name in their files, he might still be on the job at Union Dime.

WHILE there is a growing trend for people who carry out crimes in banking systems to do so by falsifying data they put into the computer from keyboard terminals, some of the more remunerative frauds and thefts have been committed without the criminals actually touching the keys of a terminal or even going near the computer. What the criminals have employed in such cases is a knowledge of the operating system used and the security flaws inherent in it. Some of the devices used to best the computer are engagingly simple—as in the case of a young man who, obviously knowing something about the ways of computers, applied for and received a twelve-month installment loan from a New York bank. On receiving from the bank, together with the loan, the book of computer-coded coupons he was supposed to send in with his monthly payments, he tore out the last payment coupon in the book instead of the first and sent it in to the bank along with one month's payment. He then received a computer-generated letter from the bank thanking him effusively for paying off his loan so promptly and assuring him of his excellent credit standing. The young man didn't exactly *steal* from the bank—he just left it up to the computer to make the next move. The bank involved has since fixed that little programming oversight, and the young man—who claimed he had simply made a mistake—was not prosecuted.

In another example, this one involving the use of a computer as a tool for collusion with an inside source, a man opened a substantial account at a New York bank several years ago. In doing so, he informed an officer of the bank that he manufactured metal furniture on the West Coast. He told the banker that he was about to open a plant in the East, and said he would have his bank on the West Coast transfer a large sum of money into his New York account for that purpose. Soon, as the officer had been led to expect, the sum of two million dollars was transferred from the West Coast bank via a computerized system, such as is regularly used to move funds between major banking institutions. But some time later, the transaction was discovered to have been a fraudulent one. The West Coast manufacturing concern was nonexistent, and so was its West Coast bank account. By the time the fraud was discovered, the shadowy manufacturer had taken the two million dollars and disappeared. The origin of the fraud came to light after an investigation of the West Coast bank employees who were likely to have typed the instructions for the transfer. Normally, the typing of the orders was done through computer terminals by a staff of four women, of whom three were still employed when the investigation was ordered. The fourth woman was said to have resigned her job recently because of an unhappy love affair. The woman, when she was sought out and interviewed at home, indicated that she had left her job after being dropped by her boyfriend. Her description of him matched that given by the New York bank for the self-described furniture manufacturer. The woman admitted sending the computer message, but said that she had thought it was a joke. The missing boyfriend, who was evidently familiar with the automatic nature of the transfer of banking funds by computer, had prevailed upon her one day to transmit two million dollars to his own East Coast account. He said that he wanted to play a prank on a computer-operator friend of his at the New York end of the line, who would understand that the message was a fake and get a big kick out of it. Since the missing boyfriend, purported depositor, and pseudo-manufacturer was

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not available for questioning by the police, the two banks involved in the two-million-dollar transfer were left with the computerized message as a souvenir.

Some of the most ingenious computer-aided crimes to date have been pulled off without even the degree of personal interference with the computer exemplified in the case of the phantom manufacturer. A few of these depended on the banks' use of what is called the magnetic-ink character-recognition imprinting system—notably, those blobby-looking numbers that usually appear at the bottom of a bank customer's checks and personal deposit slips, permitting them to be read by computer and automatically sorted and processed. In the Washington, D.C., area some time ago, a new depositor at a bank carried out an almost immaculate computer crime by outthinking the bank on the convenience offered by the magnetic-ink character-recognition system. The method was close to simplicity itself. According to one record of the affair, the depositor opened a new account in the normal way and made a deposit of several thousand dollars, to show himself a man of some substance. And, in the normal way, he received from the bank his personal checks and deposit slips, both bearing at the bottom left, in magnetic-ink computer-readable code, his account number. The slips, however, he did not use. Instead, the depositor visited the bank and went to the desk where customers bringing money or checks in for deposit filled out their deposit slips. For the convenience of customers who had forgotten to bring their own deposit slips, the bank provided stacks of blank slips in trays under the desk. The new depositor picked up a hefty batch of these blank deposit slips, but he did not fill them out. Instead, he took them to a printer specializing in computer-data forms, and there had his account number printed in magnetic ink at the bottom of the blank deposit forms. He then returned to the bank on different occasions and added these magnetically-printed forms to the neat pile of blank deposit slips in the trays. Then he went away and waited for the jackpot.

Other customers streamed into the bank and, dipping into the trays of deposit slips, innocently recorded their own deposits in the usual way. After the deposits and the deposit slips were routinely accepted by tellers, the deposit slips disappeared into the maw of the bank's computer-actuated sorters. The deposit slips that bore no magnetic-ink account numbers were sorted out by the machine for manual handling, and those that did bear magnetic-ink identification were automatically routed for deposit in the accounts represented by the magnetic code. In this way, the computer funnelled the deposits of scores of the bank's customers into the new depositor's account. And by the time the customers began to complain that checks they were issuing against their deposits were bouncing, the new depositor, to whose account other depositors had miraculously added a quarter of a million dollars, had drawn out a hundred thousand of it and disappeared. A similar scheme, also involving the embezzlement of a large sum of money, was carried out in a New York bank several years ago, and, on a smaller scale, the same stunt was pulled on a Boston bank.

An even craftier scheme, this one rather more elaborate than the Washington swindle, also revolved around the use of falsified magnetic-ink characters on checks to confound and defeat the computerized banking system. As in the cases of the other magnetic-code frauds, this one was carried out without anyone's ever laying a finger on the computer itself or any of its keyboard terminals. The fraud began with a new customer opening an account at a New York bank with a substantial amount of money. He received his coded checks and deposit slips from the bank, and he used the coded deposit slips in the usual way—without transforming the deposit-slip desk at his bank into a sort of financial cuckoo's nest, as the Washington-area depositor did. Like the Washington man, the New York man sought out a knowledgeable, and willing, printer, and what he then did was to have some new checks printed on blank-check forms similar to those used by his new bank. With one exception, the printed checks bore the same information as the originals, including the depositor's name and address and the name and address of the bank. The exception was the set of magnetic-ink characters in the lower-left corner of the checks. There the depositor had printed, in magnetic ink, a set of numbers different from the set the bank had assigned him. The manner in which these numbers was changed was the key to the scheme. The magnetic-ink account numbers used by banks are preceded by a three-digit code, also in magnetic ink,

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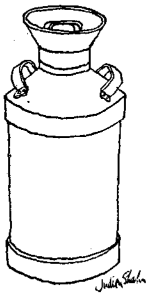
indicating the bank where the account is registered. These three digits inform a computer at a Federal Reserve System bank—through which checks are routed between most banks for clearance—what bank the check is to be returned to so that the transaction can be completed. Suppose, purely for the purpose of illustration, that the computer criminal opening the big account in a New York bank did so at the bank I happen to use, which is the Chemical Bank. In changing the magnetic-ink account number, the depositor altered the original account number to one that contained the wrong number of digits. At the same time, he altered the initial three digits to those belonging to a real bank on the West Coast—let us say, again purely for the purpose of illustration, the Bank of America in Los Angeles. He then began opening accounts at other banks, making deposits in these accounts in the form of the altered checks bearing his printed name and the printed name of the Chemical Bank—along with the magnetic code for the Bank of America. These checks were accepted for deposit subject to clearance.

From one of the banks involved, such a check was sent to a Federal Reserve bank for routing to the bank of origin. Although the check bore the name and address of the Chemical Bank in New York, the Federal Reserve data-processing system scanned only the magnetic-ink code on it, identified it as a Bank of America check, and routed it to Los Angeles. The check remained in transit for perhaps two days. At the end of that time, it was run through the computer mechanism at the Bank of America. The computer, instantly searching its memory for a Bank of America account number matching that of the magnetic-ink strip on the check, rejected the check, which then went into a clerical pool for manual handling. Since the printed logotype on the check clearly identified it as a check that belonged in the Chemical Bank in New York, the clerk handling the machine-rejected check sent it back to the Chemical Bank by mail, assuming that a simple routing error had been made. The check was then in transit for another two days. Back at the Chemical Bank, the check was put into the computerized sorting system for final clearance. But instead of that, it went into motion again: the Chemical Bank computing system passed it on to the Federal Reserve System, which routed it out to the Los Angeles bank again, which routinely sent it back to New York, and so on. In the meantime, other large checks from the same depositor were making the rounds in the same way. Because they were not rejected by the Chemical Bank, they were assumed by the corresponding bank to be good. The fraud was uncovered only when checks issued by the depositor became so frayed from mechanical handling in the computer system that they could no longer be read automatically; a clerk in one of the corresponding banks then noticed the discrepancy between the name of the bank as it appeared in plain print on one of the checks and the magnetic-ink numerical code designation. By that time, according to an auditor who told me of the affair, the depositor had disappeared with more than a million dollars in cash.



IT seems clear to anyone looking over press reports and other accounts of computer crimes that many of the crimes are variations on certain basic techniques. Yet one cannot help being impressed by the sheer diversity of the efforts. For example, the technique employed by Hattner at Union Dime to juggle accounts around in the computer appears in less spectacular but no less ingenious variations in a number of other computer crimes. One such type of computer embezzlement involves the use of what Donn Parker refers to as the salami, or thin-slice-at-a-time, technique—reliance on tiny increments, sometimes literally only a fraction of a penny at a time. The criminal programs the computer to divert these minute sums to his own account from a number of accounts or transactions, and then patiently lies in wait to collect the steadily growing fruit of his mini-embezzlements. One way in which computer criminals might employ the salami technique is to round down any sums ending in fractions to the nearest whole number—for example, fractions of pennies as these are computed in interest-bearing accounts. In the meantime, the criminal has established a dummy account at the same bank, and he programs the computer to divert the surplus from the round-downs to this account. Quietly accumulating year in and year out, these fractional sums can mount handsomely, and usually neither the bank nor the depositors know what is going on. Even when the bank does suspect jiggery-pokery, it may not do much about it. The cost and effort involved in tracing and prosecuting any impropriety would be

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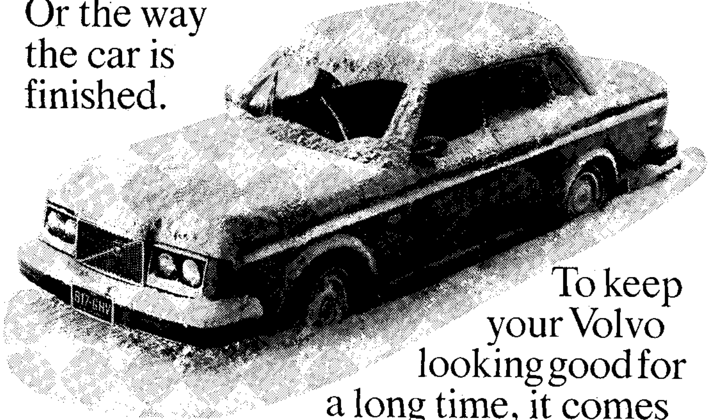

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considerably greater than the sums involved.

Parker told me not long ago that he felt he had almost certain knowledge of one salami-style embezzlement that was still being carried out at a bank whose officers he had talked with. The embezzler, he said, was evidently using the bank's computer to transfer twenty or thirty cents at a time, at random, from three hundred checking accounts at the bank and diverting the money to a dummy account for his own use. The computer criminal was careful never to divert sums from any particular account more often than three times a year. Because a customer was unlikely to notice such a small discrepancy in his monthly bank statement—or, if he did notice it, to find it worth his while to go to the bank and argue over it—the embezzlement was likely to go on and on. Parker suspects that many thousands of bank customers are being fleeced regularly of small sums in this fashion in cities throughout the country, since these people trust the accuracy of the computerized statements, and if there is a small discrepancy they are apt to put it down to their own poor arithmetic.

In another variation of the salami technique, two programmers who were employed by a big New York garment firm instructed the company's computer to increase by two cents the amount withheld from their fellow-employees' paychecks each week for federal taxes. They further programmed the computer to direct the two cents per employee per week to their own federal withholding accounts. The result was that at the end of the year they received the money in the form of refund checks from the Internal Revenue Service, which had been acting as an unwitting bagman for the embezzled sums.

In yet another ingenious variation, a programmer working at a mail-order sales company had its computer round down odd cents in the company's sales-commission accounts and channel the round-downs into a dummy sales-commission account he had established under the name of Zwana. He had invented the name Zwana because he knew that the computer processed the company's accounts in alphabetical order, and he could easily program the computer to transfer all the round-downs into the last account in the computing sequence. The system worked perfectly for three years, and then it failed—not because of a logical error on the culprit's part but because the company, as a public-relations exercise, decided to single out the holders of the first and last sales-commission accounts on its alphabetical list for ceremonial treatment. Thus Zwana was unmasked, and his creator fired.

COMPUTER crime does not necessarily involve the direct theft of money. The near-universal use of electronic data processing in accounting systems has made computer programs that record and control the flow of inventories increasingly subject to manipulations whereby the computer is directed to move goods into criminal hands. The records of thefts or suspected thefts of goods by computer-data manipulation include the physical disappearance, in the early nineteen-seventies, of two hundred and seventeen railroad boxcars owned by the bankrupt Penn Central Railroad. The deputy chief of a federal crime force investigating the case concluded that a computer program used by Penn Central to direct the assembly and routing of the company's boxcars had been manipulated to divert the boxcars—which were worth millions of dollars—from Penn Central sidings. F.B.I. agents eventually found them, freshly painted and with the Penn Central markings obscured, on the sidings of the tiny La Salle & Bureau County Railway, in Illinois, which has only fifteen miles of track. The boxcars had apparently been rerouted, with the help of someone who could modify the Penn Central computer input, so that some remarkably sophisticated criminal group could arrange their eventual resale or rental to another railroad system.

According to Lindsay Baird, an independent computer-security consultant, who tries to help large corporations and banks make their data-processing systems tamperproof—or as nearly so as possible—the kind of manipulation that seemed to be responsible for the disappearance of the Penn Central boxcars has also been used to misdirect government supplies of one kind or another into criminal channels. Laird has cited a fraud pulled off in South Korea in the early nineteen-seventies, in which, through manipulation of a United States Army supply-computing program largely operated by Korean technicians, huge quantities of food, uniforms, vehicles, gasoline, and other American supplies were diverted into the hands of a Korean gang for resale. Baird, who participated as an Army provost marshal in an investigation of the Korean affair, told me recently that the swindle was so effective that the theft of about eighteen million dollars' worth of equipment a year was being concealed by the misuse of inventory-and-supply computer programs.

In 1975, in Linden, New Jersey, it was discovered—after the arrest of three men, including a computer-console operator for the Exxon Corporation—that, through the manipulation of an Exxon computer in which records of oil transfers were supposedly kept current, and the alteration of oil gauges, conspirators had been able, in the course of seven years, to make off with about twenty million dollars' worth of Exxon fuel. The fuel had been siphoned from the company's huge Linden refinery into a barge owned by the conspirators. In the first three months of 1975 alone, according to the Union County prosecutor, Exxon lost one and a half million gallons of fuel, worth half a million dollars.

A fourth example of crime involving the physical diversion and theft of supplies by the use of computers is the case of a young man named Jerry Neal Schneider, who was arrested in Los Angeles in 1972 and charged with stealing what police estimated as a million dollars' worth of electronic equipment from the Pacific Telephone & Telegraph Company, by means of rigged computer instructions. Schneider, who was twenty-one years old, had been keenly interested in computers for some time. When he was a high-school student, in Los Angeles, his walk to and from school had taken him past a Pacific Telephone supply storeroom, and he had noticed trash cans outside holding papers of various sorts. Schneider, feeling that rummaging through the trash cans might be, as he later recalled, "kind of a fun thing," did so now and then. Sometimes he would find odds and ends of discarded telephone-company equipment and take it home with him. He also began to take home and read discarded copies of telephone-company operating guides. At the time, most of them were nearly meaningless to Schneider, but he held on to them, and gradually built up something of a technical library, of which these guides and other manuals were a part. Eventually, he said, he added to his library, from the trash cans, management guides dealing with how Pacific Telephone ordered equipment from the Western Electric Company. According to Schneider, the guides also "described the methods through which . . . equipment was ordered to a field-

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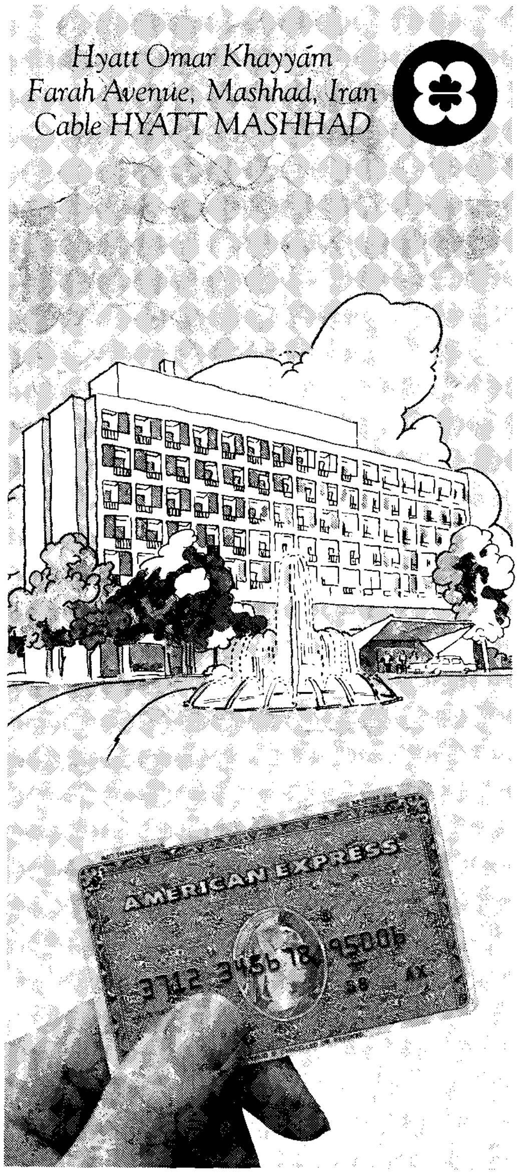

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A few years later, Schneider, by then an engineering student at the University of California at Los Angeles, reread the guides and other telephone-company technical publications. It occurred to him then that he had in his possession the key to obtaining a lot of money, and he decided to use it. The details of how he set about doing so are not easy to determine, because Schneider has given different versions of his actions to different interviewers. But even taking the discrepancies into account, one can form a fairly clear picture of his procedure. What Schneider was after was a system that would enable him to safely order by telephone and then sell expensive equipment purchased by Pacific Telephone. In the material he had found in the trash cans, the company had described the fundamentals of its equipment-ordering system, which was programmed into an I.B.M. 360 computer. Within the Pacific Telephone organization, equipment for installers and repairmen was ordered by phone through computers and delivered to convenient locations by truck in the middle of the night. To place such an order, an employee had to use a series of codes. He needed, among other information, an identification code number designating the site from which the order was coming and an account code number. Schneider, by various ruses—including calls in which he impersonated telephone-company employees, and a visit to telephone-company facilities in which he passed himself off as a free-lance writer preparing a technical article on computerized warehouse systems—pieced together most of the information on codes and procedures necessary for placing unauthorized orders. Next, he bought an automatic dialer so that his Touch-Tone telephone's signals would resemble those from the equipment used by the authorized employees. In June of 1971, after several trial runs, he put into the computer an order for thirty thousand dollars' worth of telephone equipment, to be delivered to a company drop-off point he had chosen. The order was automatically registered on a punch card and processed by the I.B.M. computer, and the equipment was duly delivered on the designated night. Schneider hauled it away and ordered more. Soon he had formed a corporation grandiosely called the Los Angeles Telephone & Telegraph Company, through which he sold the stolen equipment to private suppliers and users of such apparatus. He continued, month after month, to order equipment without incident. He later said that he once had a twenty-five-thousand-dollar switchboard delivered to a telephone-company manhole at two o'clock in the morning. The equipment was picked up by a van that looked like a Pacific Telephone van but was a secondhand job bought at auction. After a while, Schneider had ten people working for his company, and a six-thousand-square-foot warehouse, in which he stored the stolen equipment. In January of 1972, he was undone by an employee to whom he had refused a salary raise. The disgruntled employee went to the police, the warehouse was raided, and Schneider was arrested. He was charged with grand theft. After some plea bargaining and a promise to coöperate with the police, Schneider was sentenced to sixty days at a prison farm. With time off for good behavior, he served forty days. Of the million dollars' worth of equipment that the police said Schneider had stolen, the prosecution could prove only that he had handled some five thousand dollars' worth. He was able to settle a two-hundred-and-fifty-thousand-dollar civil suit brought against him by Pacific Telephone for eighty-five hundred dollars. After his sojourn at the prison farm, Schneider set himself up in business as a computer-security consultant to various corporations, offering them an insider's knowledge of how to prevent computer crime. The eighty-five hundred dollars that Schneider was obliged to pay Pacific Telephone was far more than offset when, as a result of the publicity surrounding the case, he was able to sell the story of his computer depredations to a movie company for a substantial sum.

IT is perhaps an indication of the degree to which the computer has become a vital element of our society that sets of electronic signals stored in computers have in themselves become entities of great value and the targets of numerous attempts at theft. Most thefts of computer tapes are probably not reported to the police, because the victimized owners prefer to arrange for the tapes' return through private negotiations with the thieves—negotiations that in some cases may involve the passing of money and in others assurances that no prosecution will be undertaken. Sometimes such thefts are unremunerative. According to an item that appeared in the weekly *Computerworld* in 1971, thieves operating at the Los Angeles International Airport stole an air shipment from the Bank of America which included two reels of the bank's computer tapes. The thieves

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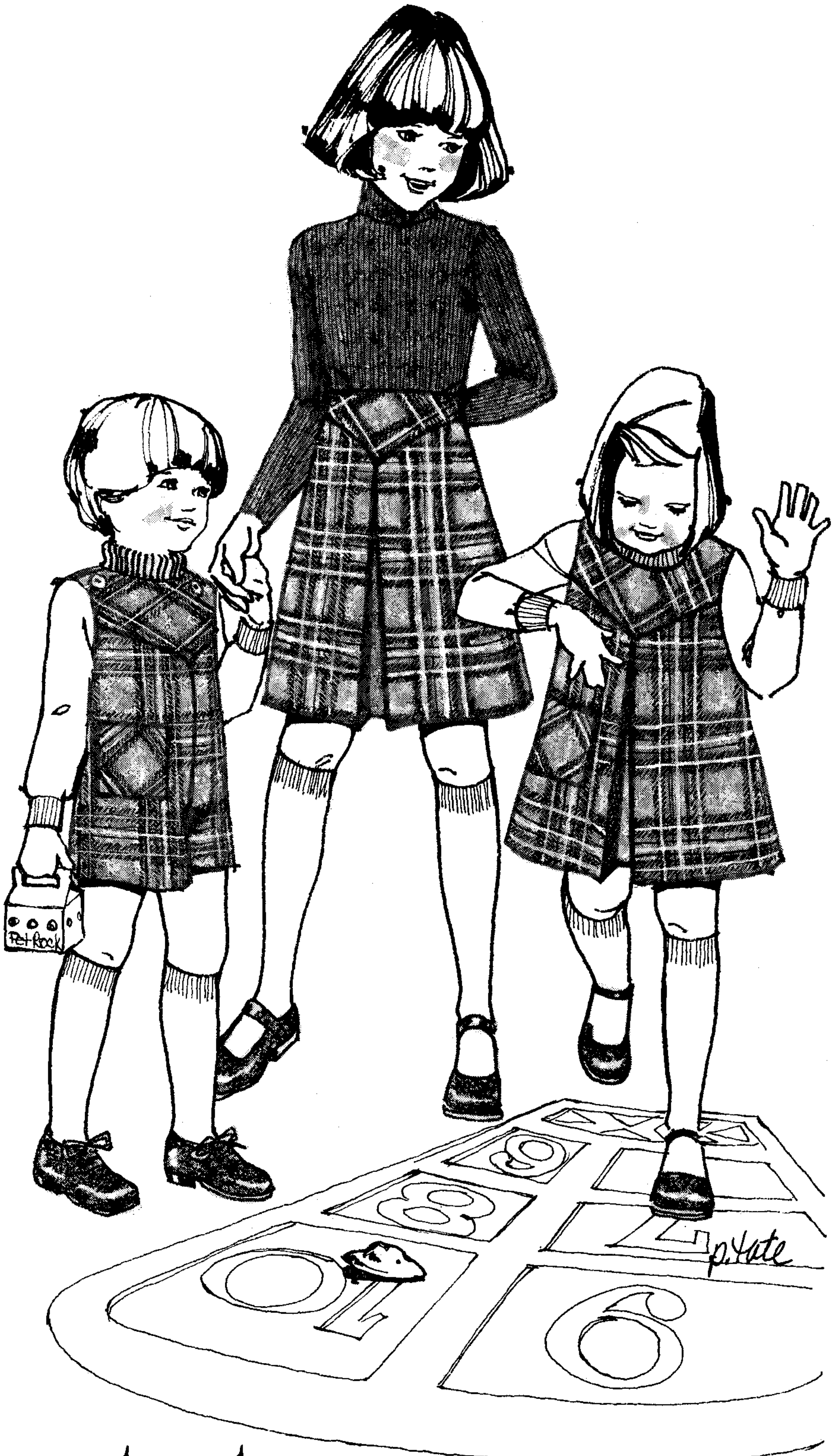
assumed that the tapes contained valuable records and demanded ransom, threatening to destroy them if it was not paid. The ransom attempt failed, because the bank had in its files duplicates of the stolen tapes.

Another attempt at ransoming stolen tapes, which did take into account the existence of backup records, occurred last January in Europe. According to Interpol, the international police information clearing house, the head programmer of the computer department of the Rotterdam facilities of Imperial Chemical Industries, Ltd., was accused of absconding with computer-tape records relating to the company's extensive European operations—including a duplicate set of tapes that had been stored in a separate and supposedly secure facility. The programmer allegedly attempted to extort two hundred thousand pounds in cash from the company for their return. But the ransom scheme failed when, at a rendezvous in Oxford Street in London, the tapes were about to be traded for the ransom, which had been brought to the scene in ten-pound notes by an Imperial Chemical Industries representative. Scotland Yard men, alerted by the company, were lying in wait. On the spot they arrested the programmer and an alleged accomplice, retrieving the missing tapes as well as retaining the ransom money.

However, another attempt in 1973 at computer-tape hijacking, in West Germany, was more successful. In this affair, a computer operator formerly employed by a German corporation broke into the computer center the corporation used and made off with twenty-two reels of computer tape containing vital information about the company's marketing plans and programs. He demanded that the company pay two hundred thousand dollars for their return. The company had no duplicates of the stolen tapes, and the cost of reconstructing the data would have been greater than the ransom demanded, so the company quietly paid up.

Sometimes electronic penetration of data in a computer system is attempted by a company's competitors, and when it is successful the rewards can be high. An independent computer-security consultant told me not long ago of what appears to be one such case. It concerned prospecting information obtained by a huge oil company that was one of the principal bidders on oil-drilling rights to tracts of government land on the North Slope of Alaska. According to the account I was given, the oil com-



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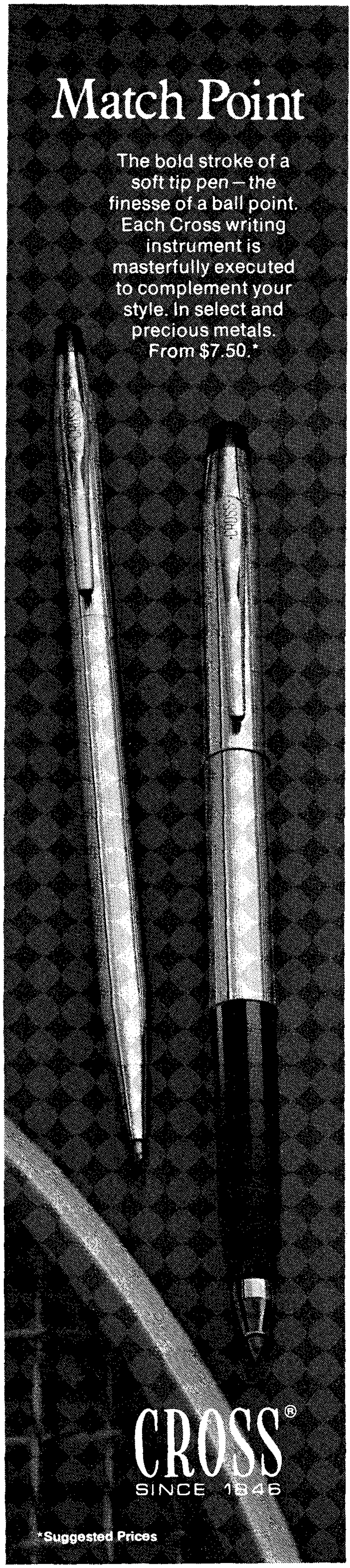

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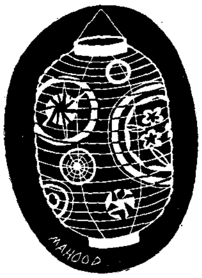
pany sent reports from its geologists exploring the field to a central communications post in the area. From a keyboard terminal there, the geological data were sent thousands of miles by telephone line to a computer at the offices of the oil company. Later on, after the data had been transmitted to the computer, the same remote terminal received from the company headquarters financial analyses based on the geological data. The analyses indicated the sums that the company's representatives in Alaska might bid for the drilling rights. After the company lost to its competitors by a suspiciously narrow margin on most of the bids it submitted, it began an investigation into the security of the reporting system. The investigation concluded that someone using very inexpensive rented electronic equipment and representing the interests of the competitors had tapped the oil company's computer communication line, printed out the data, and used the information to the advantage of the competitors. The sums at stake probably ran into scores of millions of dollars.

Not only does a lot of the information in a computer have great value but the programs themselves—the step-by-step instructions incorporated into the computer's memory to direct the complex processing of data—are considered valuable assets by their designers and owners. Designing a computer program for the handling of specific kinds of data can be a tedious and time-consuming affair, often involving the ingenious application of computer logic. Computer programs have therefore been the targets of numerous outside attempts—usually made on behalf of competitors—to pry them loose from the computer's memory and have them duplicated for gainful purposes. This form of industrial espionage or thievery goes on between manufacturing and other corporations possessing their own computers and also between corporations whose business it is to supply other companies with computer-processing services on a time-sharing basis.



One such case involved a man I will call Eli Bart, a young man who was considered the best computer programmer on the staff of a California computer-service company known as the University Computing Company, or U.C.C., in Palo Alto. In 1971, according to court records, Bart masterminded the theft—actually carried out by a computer from a computer—of a program that had been developed by a competing company called Information Systems Design, Inc., or I.S.D., of Oakland. The services provided by both organizations involved the design as well as the processing of computer programs for their customers. As it happened, the two companies were competing to provide specialized services for, among other corporate customers, the Shell Development Corporation, in Emeryville, and Aerojet-General, in Sacramento. U.C.C. was by far the bigger of the two computer-service companies; its sales were about a hundred million dollars a year, while those of I.S.D. were about a million. However, there was one technical area in which the I.S.D. people considered themselves ahead. That was the application of a computer program designed by I.S.D. which made it possible for the company to provide its clients, at their remote sites, with visual engineering information on calculations made by the service company's computer. The I.S.D. people believed that in the design of this special program, which they called PLOT/TRANS, they had a device that would eliminate the need for certain expensive equipment required for complete two-way instant computing services involving graphics between customers' facilities and I.S.D. To this extent, U.C.C., which did not have any such system worked out, was at a competitive disadvantage.

Bart decided to improve his company's position by raiding the memory bank of the I.S.D. computer and getting the secret of its PLOT/TRANS program. (The program itself had not cost I.S.D. very much to develop—possibly about five thousand dollars' worth of time—but the I.S.D. people put its potential value to the company at a million dollars or more.) Bart set about penetrating the I.S.D. computer from a telephone-connected terminal at U.C.C. headquarters. To communicate with the I.S.D. computer, he needed three separate informational keys: the unlisted telephone number of the I.S.D. computer; a number designating the authorized terminal site from which he was calling; and an account number identifying the caller, for billing purposes. Bart was able to obtain the unlisted telephone number by visiting the offices of Shell Development, which was, after all, a client of U.C.C. as well as of I.S.D. And because of this double connection he already knew the identifying site and account numbers of Shell, as both I.S.D. and U.C.C. had, as a convenience to Shell, given it the same identification numbers for access to their computers. Naturally, Bart also needed the identifying name of the program he sought, and this he received from an acquaintance at Aerojet-General, which was a PLOT/TRANS user. There was a certain hitch to this plan, since the form of data flow at the keyboard terminal employed by Bart did not precisely match that used at the Shell Development terminal site, which was a Univac 1004. However, on January 19, 1971, when Bart attempted access to the I.S.D. computer he was able to manipulate his entry communications to make it appear that his instructions were from the Univac used by Shell. Once he had successfully gained access to the I.S.D. computer by means of his identifying codes, he fed it instructions to send out a set of signals that would allow his computer to duplicate the PLOT/TRANS program on punch cards. This attempt failed, because Bart didn't know that the I.S.D. computer—unlike U.C.C.'s—lacked the capability to punch out cards at a remote terminal. When nothing happened, Bart gave it a command to take a table of contents of the PLOT/TRANS file and asked it to list the symbolic information in that file. This time, the I.S.D. computer responded, and the result was a high-speed printout, on the raider's computer, of the PLOT/TRANS program. The printout took three seconds. In his delight at successfully snatching the program from his competitor's computer, Bart did not consider the possibility that the I.S.D. computer might have responded to his initial, apparently unsuccessful, instruction without his knowing it. But this was what had happened. The I.S.D. computer *had* complied with Bart's instruction to punch out a set of cards representing the PLOT/TRANS program. Since the cards were identified by the I.S.D. computer as having been requested by Shell Development, they were routinely delivered to that company, but nobody there could recall asking for them. An I.S.D. employee visiting Shell Development a few days later recognized the cards as representing an I.S.D. program. Computer records at Shell confirmed that no request for the program had been made. Suspicious about what was going on, the I.S.D. people had the origin of the requesting call to the I.S.D. computer traced, and that led to U.C.C. and to Bart.

On February 19, 1971, police, accompanied by an I.S.D. computer-programming specialist and armed with a

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search warrant, raided the U.C.C. premises. The action had a novel legal feature, in that it was apparently the first time a warrant included specific authority to search the memory system of a computer for evidence of a crime. During the search, which took some nine hours, all the information stored in the computer's memory devices was read out onto tapes, which the police impounded. In Bart's office, the searchers uncovered handwritten notes on how the I.S.D. computer might be penetrated, and also uncovered a computer printout of the stolen I.S.D. program. Bart was charged with the theft of a trade secret, eventually pleaded guilty, and was fined five thousand dollars and placed on three years' probation. As a result of a civil suit brought against U.C.C. for engaging in unfair competition, a jury awarded I.S.D. three hundred thousand dollars in punitive and compensatory damages.

ANOTHER computer misuse, and a fairly frequent one, consists in gaining unauthorized entry into a computer to make free use of its data-processing facilities. In one case, which was reported in the Los Angeles *Times* in December of 1975, a computer-service organization called Manufacturing Data Systems, Inc., of Ann Arbor, Michigan, was the victim. According to the report, a former employee of M.D.S.I., who was currently employed by a North Hollywood firm, the W. & R. Tool and Manufacturing Company, was charged in Los Angeles with grand theft of computer time for using secret terminal passwords assigned to English and French representatives of M.D.S.I., in order to gain access to the company's computer by long-distance telephone and use it to produce, in Hollywood, a numerically punched tape that was then used to direct the operation of computer-connected tool-manufacturing machines owned by W. & R. Tool. The total amount of computer time consumed in the penetration was a hundred and forty-three hours, with a commercial value of fifteen thousand dollars. Other cases involving theft of computer time range from that of a big Midwestern bookmaker who obtained surreptitious entry into the computer of a university to make his betting calculations to that of a high-school student, an electronics enthusiast, who found in a trash basket the password assigned to an analyst employed by a computer-service company, obtained further information on the logical structure of the service company's computer system, and then used great amounts of computer time to play computer games.

The theft and unauthorized sale of computerized information, in printouts or other forms, appear to have become widespread in the computer industry, and many instances of such illegal trafficking are on record. A number of them concern unauthorized printouts and the sale of lists of one sort or another that are recorded in computer systems. For example, several years ago three computer operators were alleged to have extracted from an Encyclopædia Britannica computerized list and sold nearly three million customer names; the list was valued by the publisher at a million dollars. In 1973, a computer operator employed at the Illinois Driver Registration Bureau, who had been bribed with ten thousand dollars by outsiders, stole a tape reel of drivers' names and addresses which had a direct-mail value of seventy thousand dollars, and the stolen list was put to commercial use. In a variation of this scheme, employees of the New York Department of Motor Vehicles were charged in 1974 with adding more than a thousand names to computer printouts of lists of approved applicants for drivers' licenses. These names belonged mostly to recent non-English-speaking immigrants who had never had the required eye examinations or taken the necessary written and road tests, but licenses for these people were automatically issued on the basis of the computer printouts. Working in league with a private driving school, the officials responsible collected between two hundred and four hundred dollars for each license thus authorized by the computer. The scheme netted about a third of a million dollars.

To unscrupulous computer employees, all sorts of computerized lists have market value. A computer specialist employed by the Australian Taxation Commission is reported to have sold to people with income-tax forms to fill out copies of documentation, based on highly confidential computer logic, that described the computerized methods used by the commission to check on the legitimacy of taxpayers' claims for deductions. With this information as a guide, the taxpayers could safely exaggerate claims for tax deductions. Computer programmers handling payroll accounts have been known to manipulate the data input of parts of payroll lists to give certain employees, for a

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fee, unauthorized salary raises. Police officers have been accused of selling computerized information concerning criminal records for the use of potential employers: in one case, according to a 1974 report in *Computerworld*, a Massachusetts state-police officer was accused of selling computerized police records to a private detective agency, which then allegedly sold the information to retail stores looking over prospective employees. (At the trial, however, the judge found the officer not guilty on grounds of insufficient evidence.) And in Chicago in 1971 a police officer was indicted by a federal grand jury on charges of programming the F.B.I. National Crime Information Center computer to obtain information for private use. In Norway, a computer operator employed by the government health service sold records of people with certain ailments. The patients could then be individually approached by a commercial drug-marketing organization.

Computerized voting lists have sometimes been the object of illegal manipulation. In 1971, a computer-service company was accused, in a civil suit brought by the State of California, of using for commercial purposes a computer tape bearing a list of registered voters. The case was settled out of court. In New York City in 1972, a computer operator employed by the Board of Elections was charged with participating in a vote-fraud conspiracy by illegally feeding into a computerized list of registered voters a hundred punch cards containing the names of unregistered voters. In August of 1973, the syndicated columnist Jack Anderson charged that there was "compelling evidence" that some congressmen were misusing the voting computer in the House of Representatives. The computer is activated when a member inserts his personal card in a terminal on the House floor, and it registers both his presence and his yea or nay on a particular vote. Anderson charged that, in violation of House rules against proxy votes, some congressmen, and even pages, had been seen inserting more than one card in the computer, presumably on behalf of absent House members. And in Sweden two employees at a private data center in Helsingborg surreptitiously borrowed computer tapes compiled by the Swedish census bureau and sold the information on them to assorted customers. One customer for the bootlegged tapes was a political party, which bought information on two hundred and ten thousand voters in a primary election. The

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thieves were caught when the original tapes were requested for a special computer run and found to be missing.

The functioning of a great part of the modern credit economy revolves around the operation of huge centralized data banks in which computerized information concerning the financial records of consumers and business firms is collected, stored, and sold to clients through commercial credit-reporting networks. So crucial have satisfactory credit ratings become to businessmen and ordinary consumers alike that an underground market in the doctoring of unfavorable credit information has grown and flourished. This situation has proved to offer profitable opportunities to some computer programmers and operators employed by large credit-reporting companies, and also to various people who, although they themselves do not directly handle computers, are knowledgeable enough to beat the computerized credit-reporting system. The largest of the computerized credit-reporting agencies is TRW Credit Data, which is operated by a unit of TRW, Inc., the electronics conglomerate. TRW Credit Data maintains computerized credit files on some fifty million American consumers and provides information on their credit histories to subscribing businesses, such as banks, credit-card companies, oil companies, and retail stores. The data-processing headquarters of TRW Credit Data, in Anaheim, California, seem to have been victimized over a period of years by various well-organized attempts to doctor computerized credit records. A recent article in the *Wall Street Journal* reported that a federal grand jury in Los Angeles charged in an indictment that a credit-fraud ring had employed a TRW Credit Data woman clerk to alter the credit records on several hundred people who were poor credit risks so as to show them to have excellent credit performance; for this service, fees of between three hundred and fifteen hundred dollars were said to have been charged by the ring for each credit record improved. On the basis of these doctored credit records, poor-risk applicants were able to get loans from banks and savings-and-loan associations, to get credit cards from American Express and Master Charge, and to make credit purchases at department stores and other retail businesses. The scheme was said to have been carried out between August of 1974 and March of 1975. Previously, TRW Credit Data, along with other large credit-reporting agencies, had apparently been victimized by members of another criminal gang, who prepared their ground thoroughly in order to create spurious favorable credit reports. Between 1973 and 1974, according to an earlier article in the *Wall Street Journal*, another credit-faking gang went about its business by using as a front a fraudulent business school specializing in credit-reporting procedures. This "school" turned out "graduates" who, with the bogus credentials supplied them, were able, according to California police, to find employment in nationally known mail-order houses, banks, and savings-and-loan associations that all subscribed to TRW Credit Data. As subscribers, such businesses were required to supply computerized credit information on their own customers to TRW Credit Data. This is what the "graduates" did, but much of what they fed into the TRW computer consisted of doctored information that turned poor credit risks into excellent credit prospects. TRW Credit Data, in turn, fed this information on request to other client businesses, to whom bad-risk customers, in league with the gang, had applied for loans and credit. As a result of these manipulations, a number of businesses were said to have suffered large losses on uncollectible loans and other bad debts.

In a reverse form of this sort of computer abuse, the F.B.I. itself, between 1968 and 1972, was the perpetrator of a number of highly improper acts involving computerized information. According to the results of an investigation subsequently undertaken by the Department of Justice, the bureau planted in the files of credit-reporting agencies false adverse information on radicals and other people whose political views were anathema to the bureau—the idea being to harass those citizens by making it difficult, if not impossible, for them to obtain loans or other forms of credit.

As if all the losses through theft and fraud were not enough, organizations using computers must also contend with the acts of irate employees. The cost of identifying and reconstructing information that has been destroyed is often enormous, and disgruntled computer programmers, operators, and clerks are well aware of the serious blows they can strike against their employers by destroying or deliberately altering data within a system. For example, several years ago, at the headquarters of the Yale Express System, Inc., a trucking firm in New York, an overworked computer operator took home with him billing data he was unable to enter into the system by the end of a working day and simply destroyed them. The billing represented in the destroyed data totalled two million dollars. And in New York some time ago an annoyed computer-room employee of the Irving Trust Company attacked with a sharp instrument the computer tapes of all General Electric dividend accounts being processed in the Irving Trust computers at the time, rendering all the data stored on them unusable.

Belden Menkus, an independent computer-security consultant, told me not long ago of an act of sabotage with particularly expensive consequences that evidently occurred within the computer staff of a large insurance company in Hartford. According to his account, which has been confirmed by several other computer-security people, the incident involved a woman who was a computer-tape librarian at the company headquarters and was having love affairs with two men in the data-processing division. Apparently, these affairs caused so much turmoil and friction, not only among the principals but within the computer staff generally, that after various scenes and confrontations the tape librarian was told by her supervisor to seek employment elsewhere, and was given thirty days' notice. Before she left, she found a telling way of expressing her opinion of the insurance company. As computer tapes containing data vital to the company came into the tape library, she either erased them or mislabelled and misfiled them. She similarly erased or mislabelled tapes that duplicated the missing data. The damage was not discovered until the day after the librarian left. The company's computer system was thrown into almost complete chaos, and, according to Menkus, "it cost the insurance company ten million dollars to re-create the data this woman had destroyed." For its own reasons the insurance company decided not to prosecute the offender, who, in any case, was obviously unable to repay the ten million dollars.

Even as relentlessly optimistic an organization as the Girl Scouts of the U.S.A. appears not to be immune to resentment in the computer room. According to Donn Parker's records, a disgruntled employee at Girl Scout National Headquarters, in New York, a few years ago expressed her feelings by erasing information on several reels of tape in the computer room, which she accomplished by running a magnet over the reeled tape through flange

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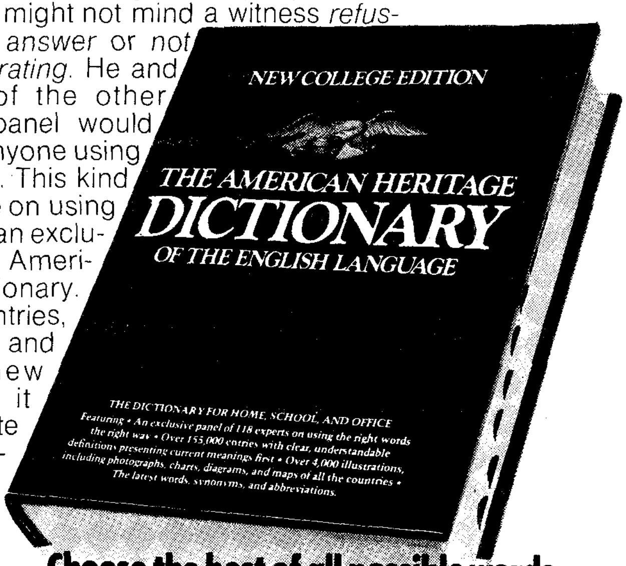
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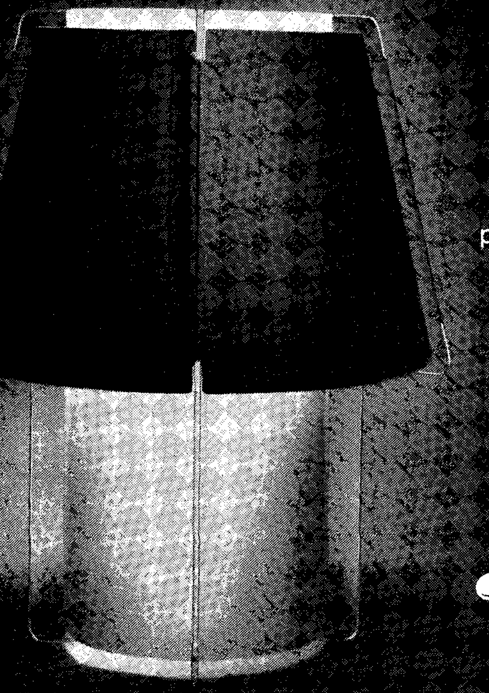

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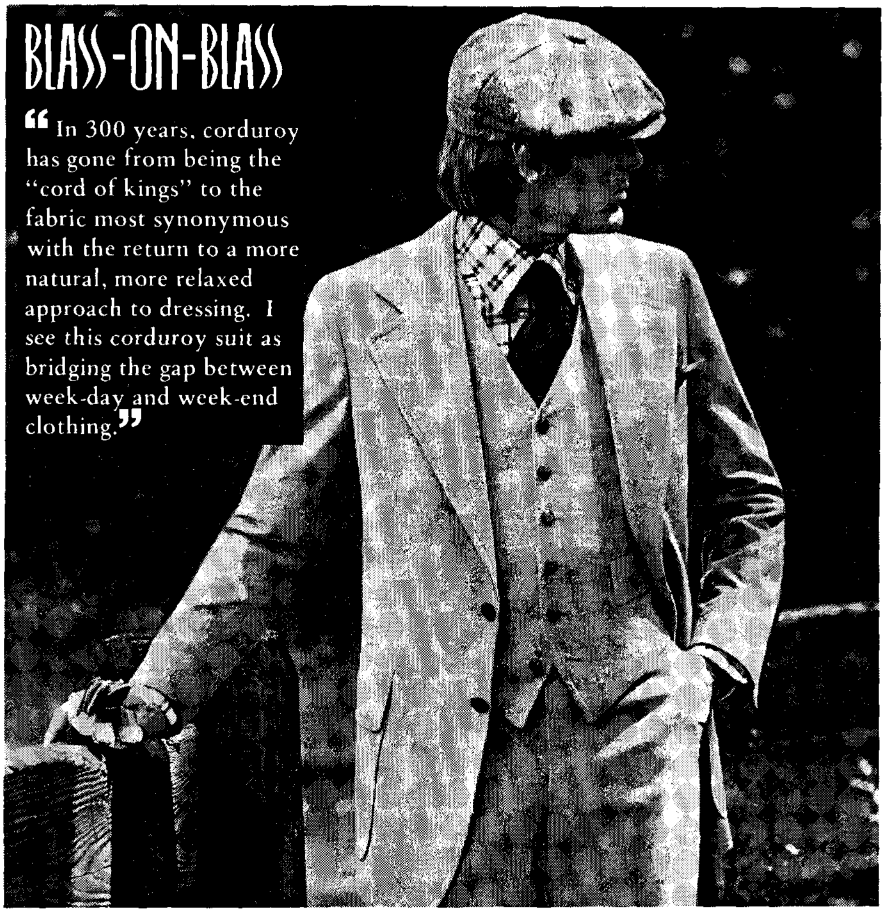

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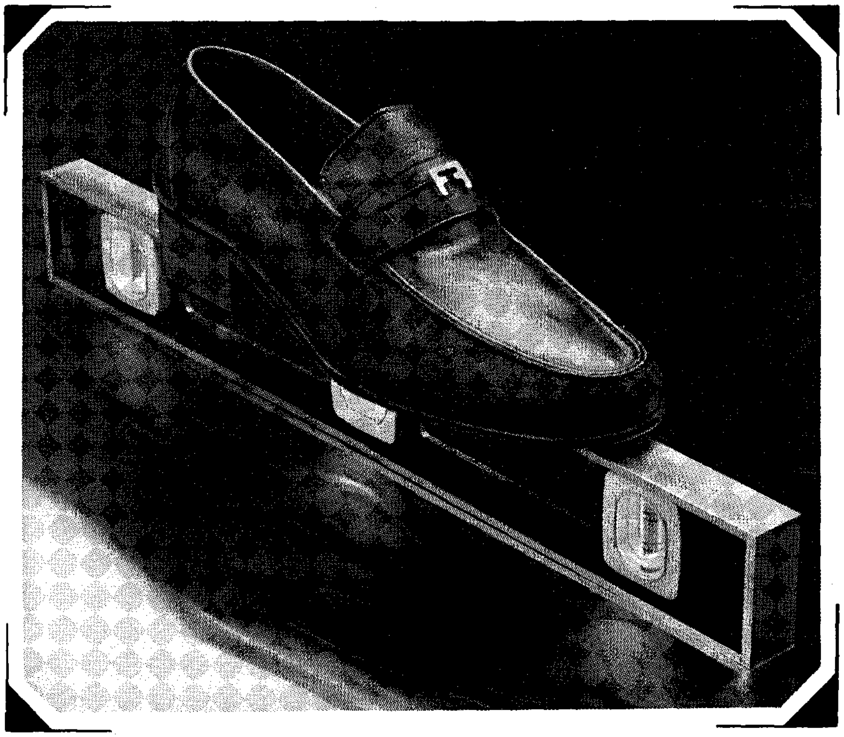

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openings in the sides of the reels.

A French programmer who was dismissed from his job several years ago devised a different scheme for expressing his annoyance with his employer. According to an item in the computer trade publication *Data Management*, the computer program that the employee had been working on at the time of his dismissal was one that would keep his employer's records systematically updated on an annual basis. When he was given notice, he added an instruction to the computer (which, like other systems, has an electronic clock built into its workings) to erase all the company's records as of two years after he departed. Other programmers faced with dismissal have contented themselves with entering instructions into the computer to give them large severance payments or to have their names put on their corporations' pension lists.

Not too surprisingly, the cash-dispensing machines used by banks to provide their customers with cash in remote spots have attracted the attentions of people engaged in computer crimes. Supposedly, these automatic dispensing systems are secure. To get cash from them, a customer must insert his bank credit card in the dispenser and punch out on the machine keyboard a special number assigned to him, along with the sum he wishes to withdraw. The machine then feeds this information into a central computer, which checks it against the customer's correct number and his bank balance or credit balance. If the card is a forgery or is otherwise invalid, the machine clamps down and retains it; if the central computer indicates that the customer has the right identification and the necessary funds in the bank, the machine dispenses the cash—always a limited amount, usually fifty to a hundred dollars—while the computer deducts the withdrawal from the customer's account. The number of withdrawals that the computer allows a customer in any one day is also limited. However, I have been assured by one security man that there are cases in which cash-dispensing machines have been made to give up sums of money to unauthorized users. Another independent computer-security consultant told me recently that he was in the process of proposing to one large bank a test of its automatic cash-dispensing system, because he was convinced that he could outwit the system and withdraw funds unsecured by his bank account.

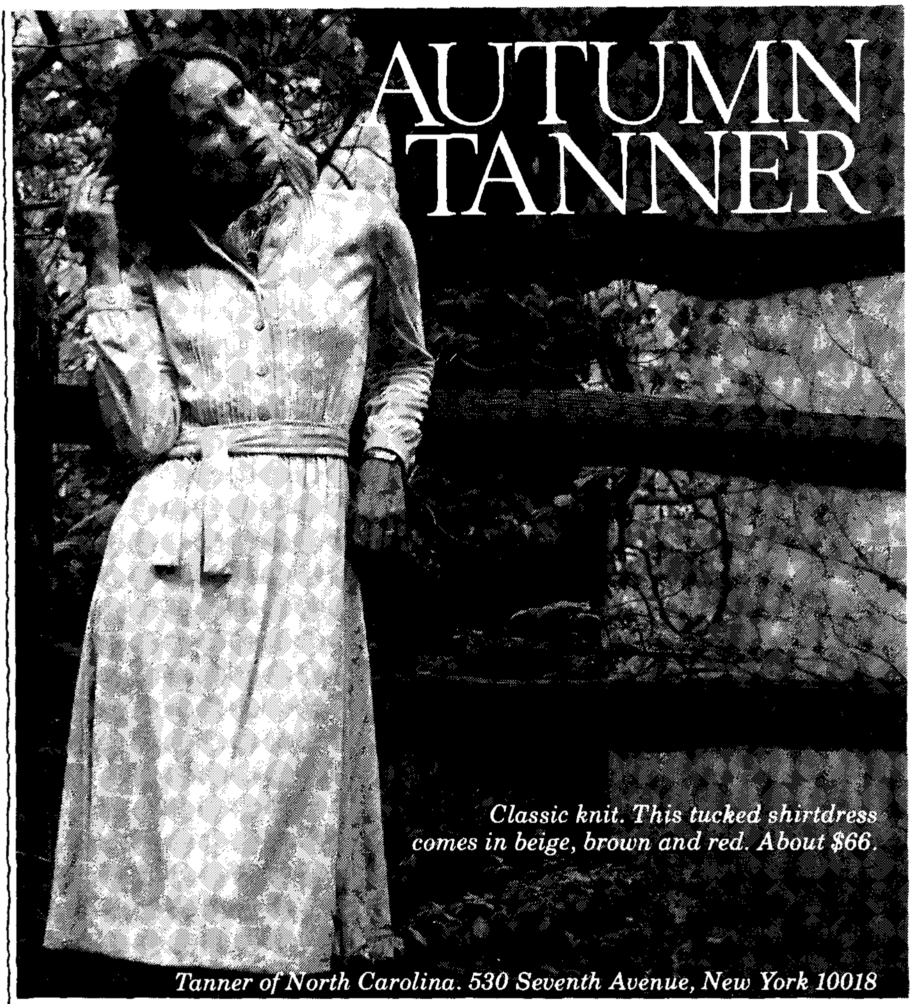
A newsletter put out by a British data-security organization reported in

December of 1974 that a French electronics engineer had been convicted in Tours on a charge of fraudulently obtaining sixty thousand francs from bank cash-dispensing machines in four French cities. What the engineer had done, it seems, was to telephone bank-card customers and, identifying himself as a bank official, tell them that the bank, for security reasons, was giving them a new secret number for use at its cash-dispensing terminals; he also asked them, in an apparently routine manner, what their present number was. In every case, he got the number. He then used the secret numbers together with falsified bank cards to get cash from dispensers. He was caught when a dispenser became blocked by one of his cards and he made the mistake of going to the same place the next day to try again.

In Tokyo, in 1974, a kidnapper chose a bank cash-dispensing-machine system as a means of collecting ransom. To prepare the ground for the actual kidnapping, the criminal opened a bank account under the false name of S. Kobayashi, with a false address. He then began to withdraw small sums from among the three hundred and forty-eight cash-dispensing machines the bank maintained around Japan, and by making telephone calls to the bank after doing so he was able to calculate that it took the bank's central computer about twenty minutes after the actual dispensing of the cash to determine which dispenser a particular withdrawal had been made from. Some time later, he carried out the kidnapping he had been planning, and he immediately telephoned a demand that the ransom money of five million yen—sixteen thousand five hundred dollars—in cash be paid into his account. The kidnapper would collect the ransom when he inserted a bank card bearing the name S. Kobayashi in any one of the bank's cash-dispensing machines. By this means, he reasoned, he would be assured of at least twenty minutes of getaway time after he received the ransom money. His scheme failed, however, because as soon as the bank received his demand its data specialists were able to reprogram the bank's central computer to identify instantly the machine in which S. Kobayashi's card would be inserted. The police stationed radio-equipped men within reach of the bank's cash dispensers, and the criminal was caught as he walked away from one of the machines.

—THOMAS WHITESIDE

(This is the first part of a two-part article.)



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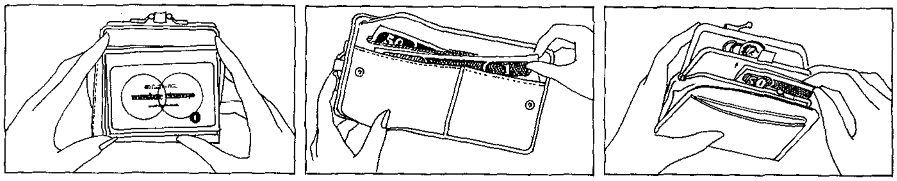

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THE CURRENT CINEMA

Latin

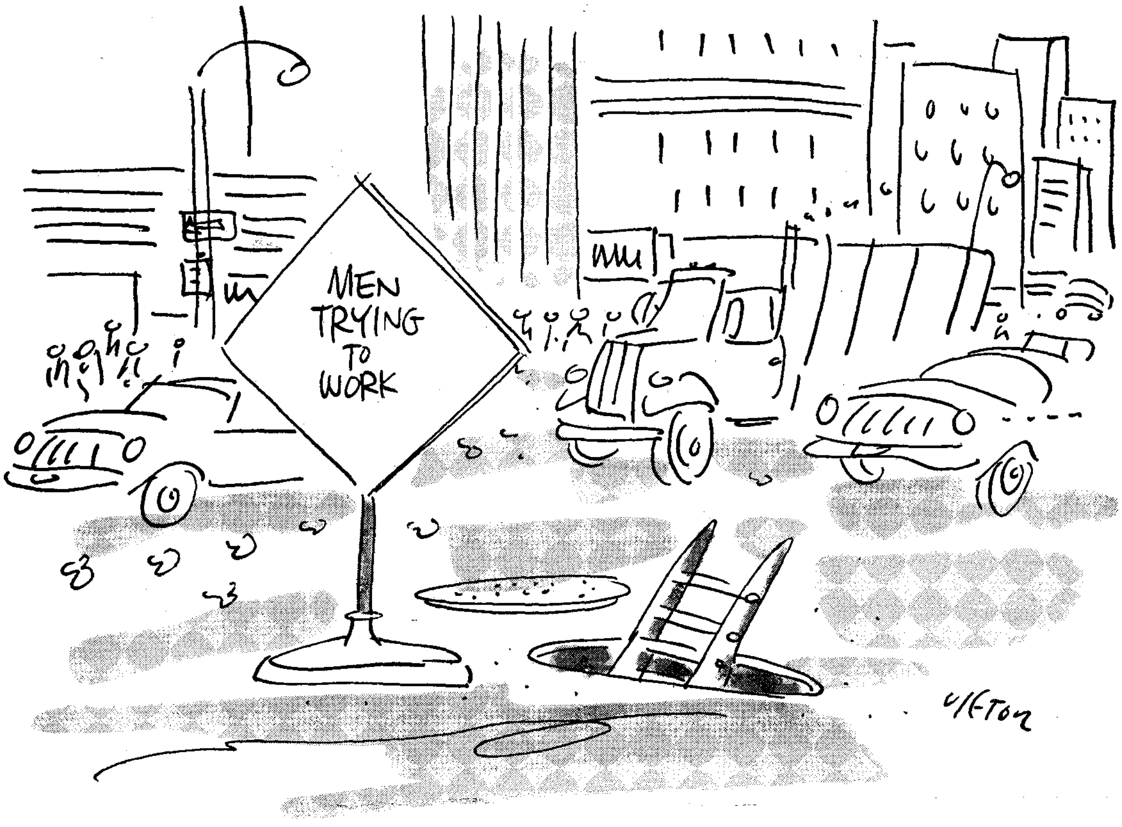
"THE SENSUAL MAN," written and directed by Marco Vicario, is an affectionately backhanded phenomenon. It is a deeply Italian account of remorse over being Italian. Giancarlo Giannini plays a man called Paolo, living in Catania, who is a model of Latin sexual bluster. In this he is like his grandfather, Il Nonno (Lionel Stander), who is a human P.A. system of rowdy sensuality. By the time Paolo is twenty, he has become an inveterate libertine. The death of his father, Michele (Riccardo Cucciolla), has sent him to Rome, haunted by the pain of the end of this odd man out in the hectic family. His father was always unlike the rest of the men in the household: small, intellectual, timorous. He shot himself for the incongruity. In spite of his frail size, he had to use both barrels. "Poor little sparrow," said Uncle Edmondo, who went on to have an affair with the dead man's widow. "Everything so loud, so exaggerated," the dying man murmured, denying what is commonly accepted as no more than ordinarily Latin. He was aware of the relatives and friends outside the room waiting to come in and wail. "Don't let them shout," he begged Paolo with his dying breath, in one of the best moments in the film.

Papering the cracks, Paolo in Rome continues the life of a profligate. He grows middle-aged and is unsuitably seduced by a ridiculous ex-mistress of Mussolini's. He is no longer doing what he wants to do, but he has never explored the options. He is too old now for the games we have seen him going through, with stitched-up trouser fronts and pretty seamstresses called in to unsew him, but now that the play has begun to pall he doesn't know what to do in its stead. He clings, hopelessly, to the idea that he will recover simplicity by marrying a young girl, named Caterina, who trusts him. She has a sexual block about him, feels that it is all her fault, and leaves him quickly by train for home, back in Catania. Selfish as ever, Paolo makes the poor girl cry bitterly on the train by giving her a letter in which he tells her that she alone could have saved him from despair.

The film is piteous about the hero's bafflement. He feels that he has been made to sell his soul for something he can help no more than he can his digestion. Behaving like a voyeur, he desperately visits the shacks of the unemployed in search of the innocence he believes will save him, and is shocked and distressed when a girl tells him that he has the spirit of a scavenger. It is impossible for him, even in middle age, to take in that he is so like his bawling grandfather and so unlike the rational father whom he secretly adored and whom he could not save from uproar even after his death. The end of the film comes as Paolo, alone in Rome, cruising the streets in his black car, accedes with wearied eyelids to the blandishments of yet another of his pickups. The cartoon leer as the whore is photographed amounts to melodrama; so does the limply characterized agony of the hero. What does he really love? The memory of his father? His failed hopes of himself? A figment of romantic love? Genuine inner anguish is sadder and less padded than the sorrow paraded in this film. Perhaps it could be said that genuine tragedy must always depend on an idea of a life elsewhere, or something other; Paolo is certainly unhappy, but it never seems to be because of anything as profound as a thwarted notion of another way of living.

"DIDN'T you ever have any crazy ideas?" asks the family of Richard Pryor as Wendell Scott in "Greased Lightning" (directed by Michael Schultz; written by Kenneth Vose, Lawrence DuKore, Melvin Van Peebles, and Leon Capetanos). Wendell has said that he wants to be his own boss, that he'll get himself a taxi, but his supportive, uproarious family thinks that he can ask for more than that. "Didn't you ever have any *crazy* ideas?" is the question if you're black and it's the South and it's thirty years ago, as is the case here. "Any *crazy* ideas?" insists the senior applecart-overturner of the family. "Yes, sir," says Wendell. "Well, I wanted to be a champion racecar driver." Hoots and whistles from the largely black audience in the theatre, for it knows what's coming: the film is built on the life story of the real Wendell Scott, the first black racing-car driver in the South, when bigotry was intense enough to make sure that a black's car wheels and engine would be tinkered with. He gets married, to Pam Grier playing a beautiful reluctant cheerleader of a wife called Mary. Pryor goes through his part pop-eyed, playing Uncle Tom for Uncle Toms in a caustically funny performance.

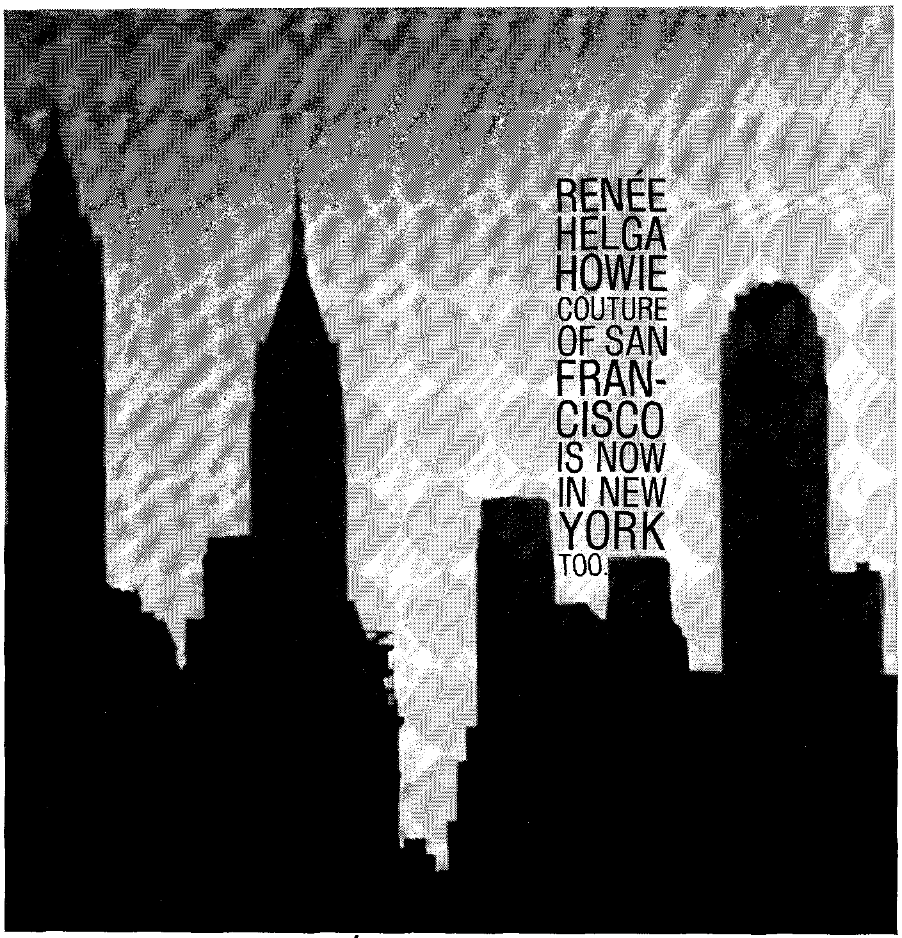
The jalopy that Wendell drives is a decreasingly ramshackle stock car, which becomes a racing car as loving hands rebuild it,



spare part by spare part. He comes to racing by running bootleg booze, often chased by the cops, and once found by the authorities in his wife's bubble bath, with enough bubbles to cover the fact that he has leaped in fully dressed. Sheriff Cotton (Vincent Gardenia), who always looks as if he had swallowed a lemon, wants him caught legally—that is, red-handed. Wendell suffers from every sort of perfidy, especially from a fellow-bootlegger. It is only the enterprising opportunism of a white racing promoter that gets him plucked from jail and gives him a chance to enter a local jalopy race. An old chum and a junkyard mechanic join him as manager and pit crew, and he is also befriended by an errant white called Hutch (Beau Bridges), who takes him to a segregated restaurant, where Hutch is called "white trash" by one of the clientele; he grabs a flagpole with a Confederate flag on it to protect Wendell and himself from the rednecks. Over the years, Wendell has to contend with the viciousness of a character called Beau (Earl Hindman), who is perfectly prepared to get him killed or injured. Beau has chosen the wrong time, though; blacks in the postwar years were beginning to make their own way. (And in a while producers of the calibre of Hannah Weinstein, the producer of this movie and of "Claudine," would be making movies to celebrate the fact.)

Eat dust, bump fenders, burn rubber; eat white insults, spit them out, burn up the past. This is what Wendell Scott does in the film made to glorify his life. The picture is ferociously valiant and funny. Richard Pryor's goggle-eyed face, which looks like a traditional caricature of an underdog's until one watches it more closely and sees its vigor and intensity, is the badge of the endeavor, which steers a course between the farcical and the courageous: a course that is limitlessly appealing and, in the end, universally admirable. Pryor is perfectly cast. We remember him as, among other things, the man opposite Diana Ross in the 1972 "Lady Sings the Blues," after some years as a stand-up comedian on TV shows and in night clubs. He has the look—and, in fact, the record—of a schoolboy jokester who was yanked by history and by a fiercely comic family in the direction of fame, shooting his way with blank shots of humor through the barricades of very solemn white prejudice.

AUGUST being a month of school holidays, the film industry has let loose on the face of the earth a film



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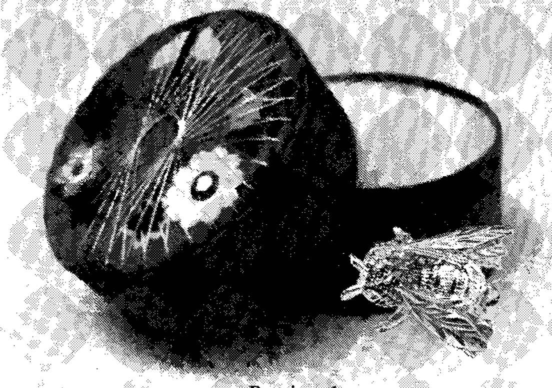

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that suggests the rigors of pre-1914 schooldays in Europe. Dick Richards' "March or Die"—a typically peremptory title, with a hint of punishment from the head of the sixth form—is about Gene Hackman as a French Foreign Legion leader called Major William Sherman Foster, who is a West Point reject. The rejection has made him bitter. He has a furious, staggery gait, like a sunburnt hen in a bad temper. His men, whom we see continually being massacred, are trained to go on marching in the desert until they drop. Terence Hill, playing a man known as the Monkey, a spry thief, survives the desert march; but there is an unsettling scene, which nary a child or grownup should see, about a born non-marcher equipped with boots too small for him.

The march is made, against Major Foster's will, to protect Max von Sydow as a Louvre antiquarian lusting for the treasures of an ancient tomb in Morocco. The treasures are also important, as a way of uniting the Berber tribesmen, to El Krim (Ian Holm). As he prepares horrendous death traps for the trudging Legionnaires, circumstances suggest that he should be called El Grim. Catherine Deneuve plays the daughter of an archeologist who is produced by the Moroccans in a sun-baked cage suffering unspeakable torment. Old El Grim goes further and reduces the Legionnaires' numbers to near the vanishing point. Never mind. France, we are made to feel, always has more men to pour into unjustifiable tasks.

This, of course, was the great thing about Foreign Legion stories when Europe had empires. The tales depended on the premise that the European power concerned was right, and that war was right as long as it was futile. The director of this thing previously collaborated with its writer, David Zelag Goodman, on "Farewell, My Lovely." "March or Die" is a pinheaded attempt to re-create the atmosphere of "The Four Feathers." It can't be done any longer. One comes away from the movie thinking mostly of the men's feet, the Max von Sydow character's hysterical greed as a Louvre curator, and El Grim's rottenness behind his Arab headdress, which he seems—Ian Holm being a very intelligent man—to be drawing across his face to hide a grin. —PENELOPE GILLIATT

•

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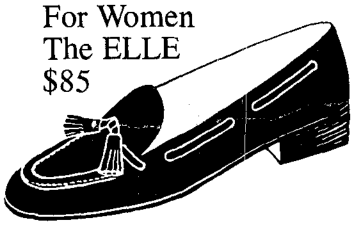

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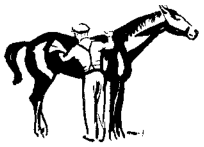

HORSES from Calumet Farm are running well again. As Our Mims was winning the Alabama Stakes, the classic for three-year-old fillies, at Saratoga Springs last Saturday afternoon, Alydar was taking the Sapling Stakes, Monmouth Park's top race for two-year-olds, at the New Jersey track. It was also a big day for the Veitch family. Earlier in the week, Sylvester Veitch, who had a brief career as a jockey and who has been training horses since the mid-nineteen-forties, had been inducted into Saratoga's Hall of Fame, and John, his son, who took over the training of the Calumet horses this season, celebrated with the double. A crowd of 30,285 came out for the ninety-seventh running of the Alabama, and it saw a good show. Our Mims, winner of the Coaching Club American Oaks at Belmont last July, beat Sensational by a neck in a driving finish. Cum Laude Laurie was third. Small Raja, who had a big following on the strength of his spectacular performance in the Test Stakes the week before, was sixth. The time for the mile and a quarter was 2:03. Because of heavy rain at Monmouth, the Sapling was not much of a race. Only five ran, and Alydar, though he was in close quarters shortly after the start, dominated the situation, winning by a couple of lengths from Noon Time Spender. Dominant Ruler was third. Alydar's next start will be in the Hopeful Stakes, on August 27th—the final day of the meeting.

Saratoga's second week opened with the seventy-fifth running of the Saratoga Special. It was won by Darby Creek Road, carrying the colors of James Phillips, who bred the colt by English Derby winner Roberto. Ten ran, and Jet Diplomacy went off at high speed, stepping the first quarter in 0:21⅘ and the half mile in 0:44⅗, but Darby Creek Road, after being fractious in the paddock and at the starting gate, ran Jet Diplomacy down in the stretch and won by two lengths. Quadratic was third. The time for the six furlongs was 1:10.

Next day, we had the Jim Dandy Stakes, for three-year-olds at nine furlongs. This is now the public trial for the Travers, which comes up next Saturday. Paul Mellon won with Music of Time, who beat Sanhedrin by a length and three-quarters; Super Joy was third, about as far again behind, and Bailjumper, who tired in the last furlong, was fourth. Music of Time, well placed early, cut the corner at the stretch turn and came up fast on the rail to win going away. A good-looking colt by Northern Dancer out of First Feather, he will have a following in the Travers. Sanhedrin, who had not been out since he ran third in the Belmont Stakes in June, finished fast, as usual.

Ogden Mills Phipps has a fine runner on the grass in Majestic Light, who has won five of seven starts and finished second in the two others. In the Bernard Baruch Handicap, before a midweek crowd of nearly twenty thousand, he carried top weight of 126 pounds, giving as much as twenty-one pounds to the ten other runners, and won by three lengths from Alias Smith, to whom he gave fourteen. Three stakes in three days—almost like old times at the Spa.

BUYERS of yearlings still have a few dollars left after their splurge at Keeneland. At four sessions of Fasig-Tipton's sale at Saratoga, two hundred and ten head brought $12,035,000. The Irish branch of the British Bloodstock Agency gave $375,000 for a colt by Northern Dancer out of Bamboozle and $340,000 for another by Northern Dancer, this one out of Fun Palace. Both go abroad.

IT looks as if the Washington, D.C., International will be quite a horse race this year. John D. Schapiro, the president of Laurel Race Course, has announced that the owners of Forego, Seattle Slew, J. O. Tobin (who beat Slew in the Swaps Stakes), and The Minstrel (winner of the English and Irish Derbies and of the King George VI and Queen Elizabeth Stakes at Ascot) have accepted invitations to run on November 5th. Owners of other leading horses here and abroad have been invited to enter them. The purse has been increased by $50,000. If a sponsor was found for nationwide television coverage, the prize money would probably be more than doubled.

—AUDAX MINOR

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The rules for doing this—for escaping from quicksand fix, should you find yourself in one—are simple. The basic rule is, don't panic. That's the advice of the late quicksand expert, Gerard H. Matthes of the United States Geological Survey.—*Boston Globe.*

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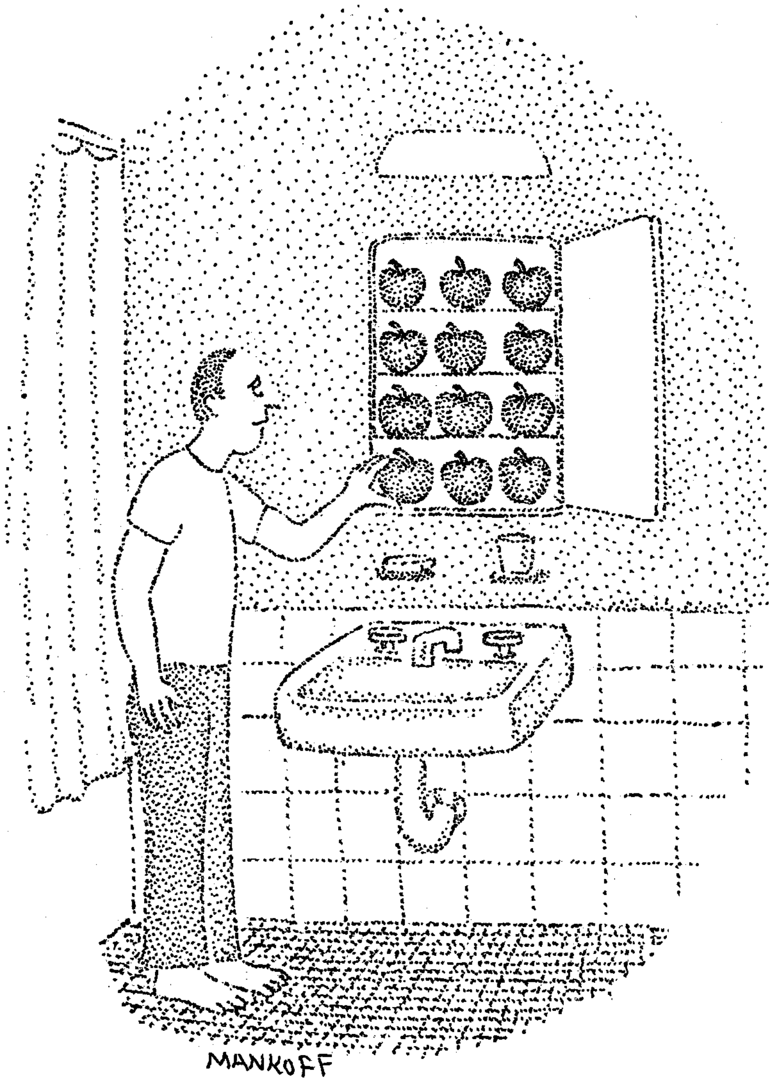
A REPORTER AT LARGE

CONGRESSIONAL ETHICS

THE House of Representatives has not been a very happy place of late. The problem isn't that it has had a bad session thus far. On the contrary, it has had a relatively productive one. Moreover, the members feel, on the whole, that they are being well led, in comparison with recent years. They still rush about, having to be in too many places at once, meeting too many demands on their time—most of them work very hard—but at least more sense has been imposed on the scheduling of legislative sessions. And yet, whatever they do, they can't get rid of the black cloud that hangs over them, the cloud that they feel holds them all up to public ridicule and contempt—the cloud that brings into question their "ethics." Members of Congress chronically feel unappreciated, and in recent years the number of voluntary retirements has been rising. But their current mood has an unaccustomed edge to it. They adopted a new code of ethics earlier this year, and that didn't seem to do them any good in the eyes of the public. The scandal involving alleged political payoffs by agents of the South Korean government, which first broke last year, threatened to engulf them all—innocent, guilty, and somewhere in between—in public obloquy. So this year they began an investigation, which immediately blew up in their faces. Some members think that they have to formulate more rules of conduct. Some think that there are genuine dilemmas in trying to do so. Some think that the whole notion of imposing "ethics" has gone too far. Some are baffled. Few are not perturbed. Many are angry or depressed.

RICHARDSON PREYER, a fifty-eight-year-old Democrat from North Carolina, who is in his fifth term in the House, has become a life raft for the members in their current crisis. A calm, judicious (he is, in fact, a former federal judge), wealthy (he is an heir to the Richardson-Merrell drug fortune) man, he is trusted both by the House leadership and by the restive and anxious younger members. The older ones assume that Preyer will not shake the institution too hard, and the younger assume that he will not sacrifice principles to the club. Such is the esteem for Preyer—and the need for this kind of figure—that he serves on the Ethics Committee (formally known as the Committee on Standards of Official Conduct), which is conducting the investigation of the Korean problem; serves on the Select Committee on Assassinations, which was established in September, 1976, to investigate the murders of John F. Kennedy and Martin Luther King; and heads a special committee established in March to implement the new ethics code. That code was proposed by the special House Commission on Administrative Review, which was established in 1976, in the wake of the Wayne Hays scandal, and is headed by David Obey, a respected young Democratic representative from Wisconsin. The responsibility for drawing up such guidelines obviously could not be given to the Ethics Committee, which had rarely noticed any wrongdoing, or even met, and was essentially a family embarrassment. Obey's group is continuing to propose new rules, and Preyer's group is continuing the work of codifying the rules already adopted. Preyer is a slim, handsome man with graying hair; he even looks the part that he is playing. I spoke with him recently over lunch in the House dining room about his colleagues' current troubles.

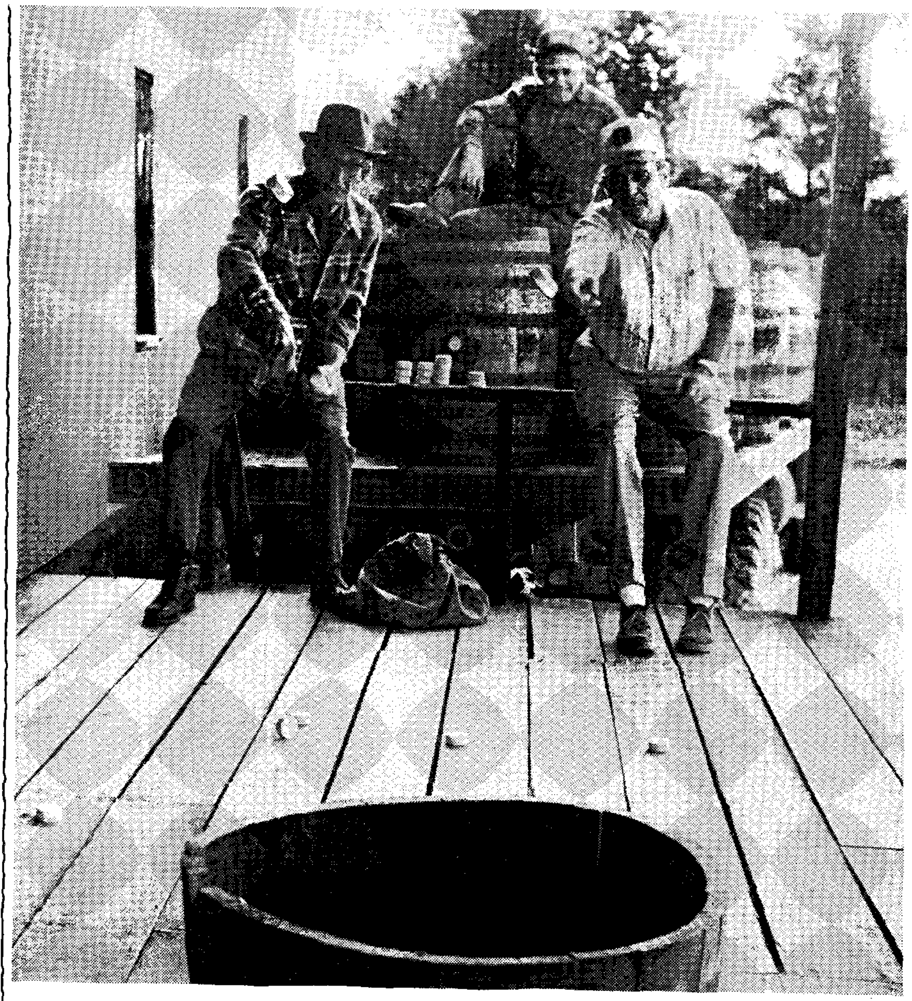
"A lot of us are not very happy," he said. "I think that the main element of discontent that congressmen feel these days has to do with the public view of members of Congress—the acid rain of criticism. The ethics thing raises some interesting questions about what is expected of congressmen. I agree that people in public service ought to be held to a higher standard than others. Chaucer wrote, 'If gold rust, what shall iron do?' But the sort of moral absolutes—Calvinism, puritanism—that people want to hold us to is sometimes not only not possible but dangerous. Moral snobbishness is a very easy vice to fall into—the moral snobbishness that does not recognize the ethical dilemmas of responsible action. We can't have a new age of political Comstockery in this country, in which normal political communication is cut off. If it's wrong for Tip O'Neill to go to a party given by Tongsun Park and also attended by six Cabinet officers—if there's something evil about that—then normal political communication can be cut off." Tongsun Park, who presented himself to Washington as a businessman and has now fled the country, is the key figure in the inves-



tigation of the South Korean government's bestowing gifts and cash as well as entertainment on members of Congress. It has been alleged that Park was an agent of the Korean government.

"Last week, Dave Obey introduced an amendment about foreign travel," Preyer continued. "He's on the Appropriations Committee, and he's travelled a lot in the Middle East and has become a real expert on it. If you know Dave, you know he doesn't go on any junkets. He proposed that we should disclose each trip, who paid for it, and the itinerary, but he violently resisted reporting the minutiae of the trip—who paid for the lunch at the Golan Heights. It would be a breach of protocol to ask Sadat how much a dinner cost. Poor Dave got blasted on the front page of a Milwaukee paper, which said that he was behind a move to enable junkets to continue. That's the kind of thing that makes life hard."

Preyer went on, "Incidentally, I'm a firm believer that the role of the press is one of checks and balances in this country—in addition to the three branches of government. So the press is going to have to keep going at it. It isn't right for us to say that ever since Watergate investigative reporting has gotten out of hand and is causing our trouble. A lot of people here say that, but it overlooks the point that reporters are doing what reporters are supposed to do. There is another side to it, though, that I think we might justifiably complain about. In the Korean thing, I believe that if that had come up twenty years ago there would have been a little more patience in waiting for a result. We're in the investigative phase. There are all sorts of lists floating around that Tongsun Park or some connection of his made up, saying he did one thing or another for certain members of Congress. Until we run all these things down, if we just put out the lists we might smear people who had never taken anything. Our investigation didn't begin until March. We're in a situation where the younger members come to me and say, 'Why don't you do something? Why don't you hold hearings?' And we're in a position where it would be irresponsible to hold hearings. We don't know to what extent Tongsun Park was acting as an agent of the South Korean government and how much he was feathering his own nest—how much he paid out and how much he put in his own pocket. In the end, we'll lay it all out: the criminal conduct; the unethical conduct that might not technically be a crime; other degrees of questionable conduct. We'll lay out the trips to Ko-



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rea and the parties. We want to be careful to distinguish the different degrees of wrongdoing. In the end, we'll be judged by our results. But the trouble is, such an uproar has been created that it may be no one will believe our results. It's been a puzzle to me how we got in such a horrible situation, how that public attitude came about—the severity of it. There's no inclination to assume that we are trying to work out the problem, and no inclination to suspend judgment. There's no judgment-suspending anymore.

"I agree with some of my colleagues that we may be trying to codify conduct too much. But I also agree that while you can't change the human heart by law, you can change conduct. I think you just have to look at the civil-rights laws to see that. In calling what we've written a 'code of ethics,' which we all do, I'm afraid that we're on the way to cheapening the word 'ethics,' the way we've cheapened other words. Ethics is a noble branch of philosophy which deals with questions such as 'What is justice?' We don't deal with those questions. We deal with 'What is sensible conduct?' I think there are rules we can draft to get better conduct."

A Congressman at a dinner party in July: "There's a very destructive atmosphere these days, very destructive. The press tears public figures apart, and then it asks, 'Why aren't there any great public figures?' "

Congress really had no choice but to enact a new code of ethics earlier this year. It was the *quo* for the *quid* of having given itself an increase in pay, justified though the pay raise was. But many members resent having voted restrictions on themselves under duress, and many resent having voted them at all. "Had there been a secret ballot, it would have gone down, two to one," one member of the House remarked to me recently. "But the press had gotten everyone so fired up that people here felt they had to placate the masses." In the ethics code that was finally adopted by the House and, in slightly different form, the Senate were provisions that required senators and representatives to make full financial disclosure; that limited to fifteen per cent of his official salary the amount of money a member might earn from outside activities (but the limit did not include income from stocks or bonds, or, under certain circumstances, from family businesses); and that prohibited gifts worth more than a hundred dollars from people who had a direct interest in questions before Congress, and required disclosure of gifts worth more than a hundred dollars from almost any source. The House prohibited unofficial office accounts, or "slush funds," whereby members used contributions to help pay some of their expenses. But the Senate continued to permit the use of campaign contributions for office accounts, provided they were reported. (And both chambers gave themselves increases in funds to run their offices.) The outside-income-limit provision was the most controversial; there are said to be a half-dozen members of the House who will not talk to House Speaker Tip O'Neill, because he pushed the ethics code through. Even some reformers think that it may be a bit too restrictive, but the problem was to find a way, however imperfect, to deal with those members who had a tidy law practice on the side as a result of their public office, and those who, particularly through their committee assignments, had jurisdiction over businesses from which they received sizable incomes or over interests from which they received substantial honoraria for speeches. Members who argued that the result was to favor the rich—those whose additional income was "unearned," as opposed to "earned"—had a point, but the purpose of the pay raise was to reduce members' dependence on outside income. It is difficult to draw up a reform that falls equitably on all. One congressman told me that some of his colleagues talk among themselves about ways to get around the limitation on outside earnings—by incorporating their private businesses and paying themselves dividends instead of salaries, say, or by putting members of their families on their business payrolls. Lawyers, who charge for their time, are finding evasion of the new rule more difficult, but, according to some members, they haven't given up.

Morgan Murphy is a Democratic representative from Chicago, a product of the Daley machine. He is forty-five and has a flat, pale face surrounded by seraphic gray ringlets and punctuated by blue eyes. He acknowledges that he earns from thirty thousand to sixty thousand dollars a year from the practice of law, "depending on the year"—amounts that "haven't changed" since he came to Congress. He doesn't like the limit on outside income one bit. I talked with him not long ago off the House floor. On the following day, he was to sponsor a meeting of his colleagues who objected to the limitation on outside earnings. "My personal philosophy is that if a person's honest he's going to be honest," Murphy said. "If he's dishonest, all the rules in the world aren't going to make him behave better. I would rather have full disclosure of the sources of outside income than a limit on outside income." A number of Murphy's colleagues have stated the same preference. Murphy continued, "I think we may be going too far in all this ethics legislation. The whole atmosphere here—with all these investigations—is that a majority of the members of Congress are crooks or have something to hide. On ethics, we've created so many laws and restrictions that someone is going to make an honest mistake and get punished. In order to get pencils or toilet paper for my office in Chicago, I have to sign thirteen pieces of paper. My secretary puts a paper in front of me and I sign it. I don't know what I'm signing—and I'm a lawyer. There's a suspicion every time you call someone in the bureaucracy on behalf of a constituent that you're doing someone a favor because you owe him something. The pendulum has swung too far since Watergate. People up here feel they have to bare their breasts and say 'Come examine me.' All these ethics, all these committees—it's just an effort to assure the public that we're honest, when we already are. The younger members feel that they came here as creatures of Watergate, and they have this psychological need to show the folks back home how pure they are. They're almost masochistic in saying we should torture ourselves and show we're suffering."

I asked Murphy if all this had made things harder on him.

"Sure it has," he replied. "Because if you stand up and make any positive or reasonably prudent suggestion that some ethics proposal is going too far, the immediate suspicion is that you may have an ulterior motive. When I opposed limits on outside income, the suspicion was that I was trying to use my office to enhance my income. The Founding Fathers thought we should come from all walks of life and use that expertise. Now it seems the mood here is that we should isolate ourselves from experience in life. A lot of them want to legislate without an experience base. That's the thing I worry about."

THE new atmosphere has cramped members with a taste for foreign travel. As in other areas of congressional conduct, it is difficult to draw lines, and not all the public criticism

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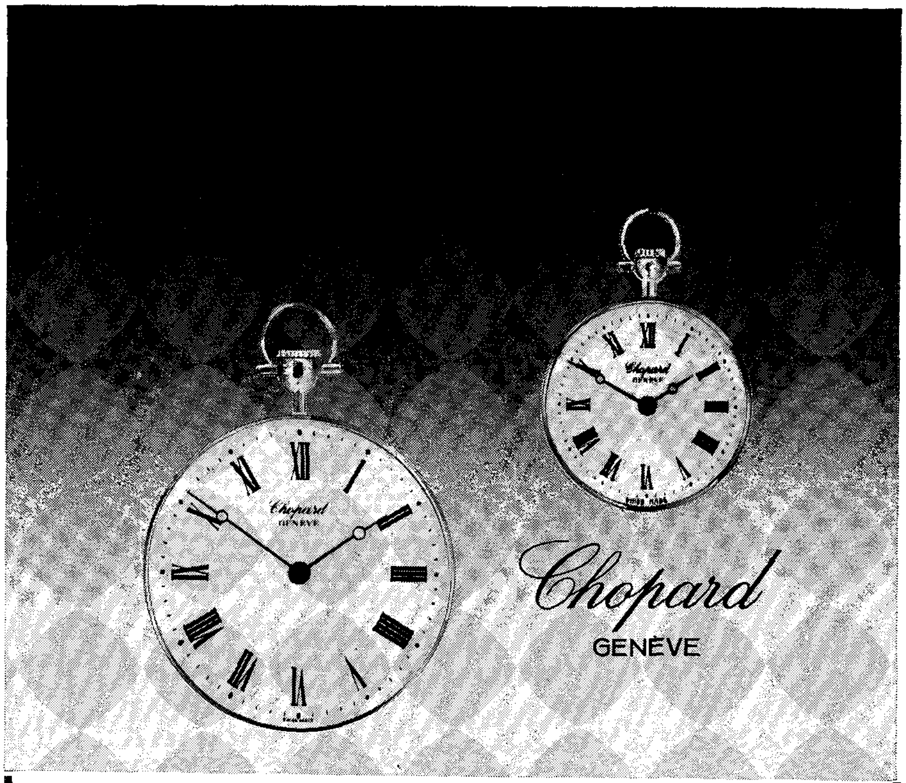

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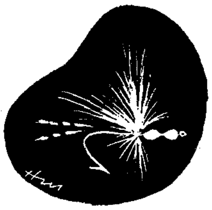
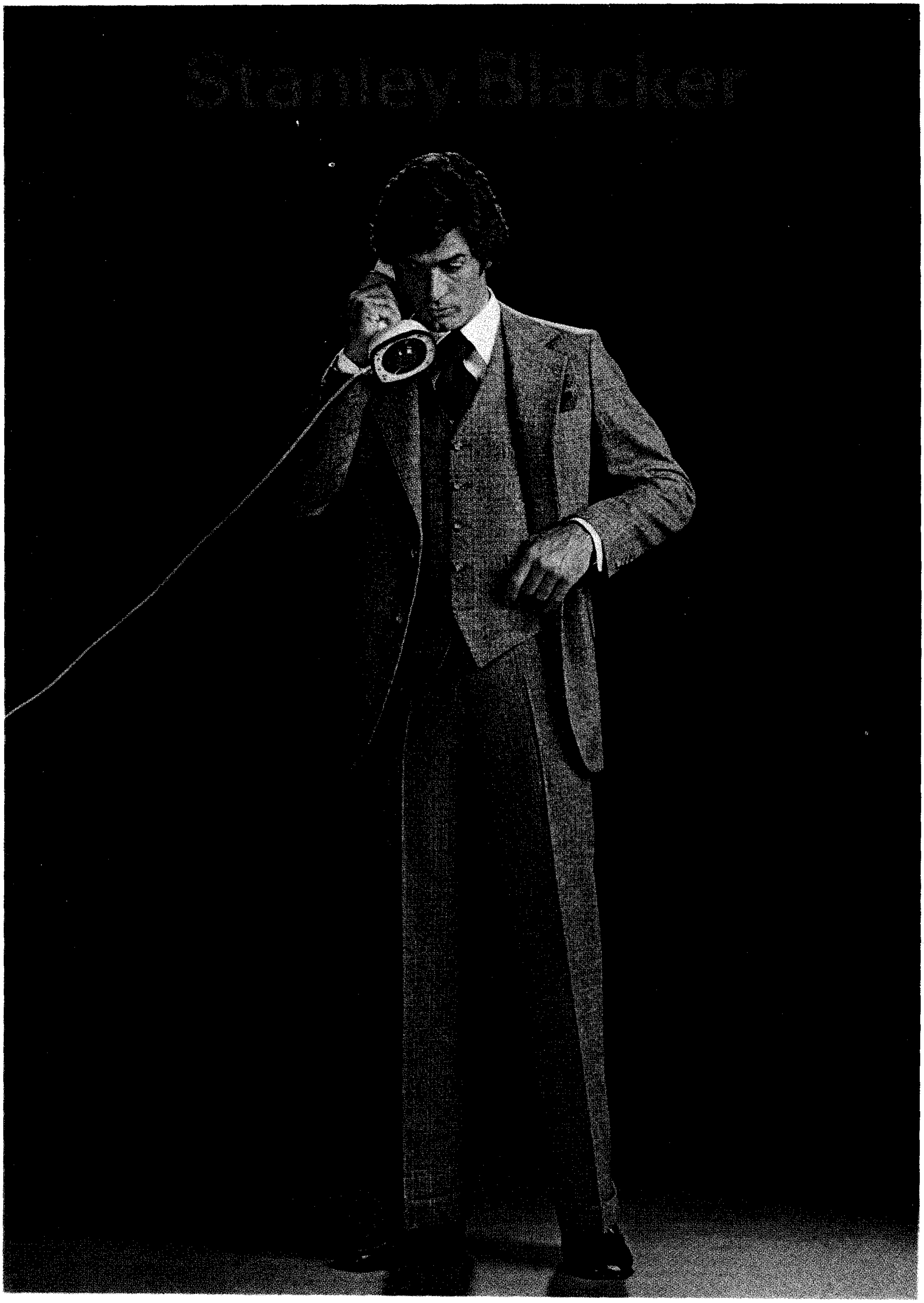
is fair. Some foreign travel is a necessary part of the work, and some of it, if not, strictly speaking, necessary, is useful in broadening the outlook of the members. One member said to me just before the August recess, "When I go to someone and say, 'Do you want to go on the trip we're planning during the recess?' I guess I get back a little more concern about the public reaction." The House Judiciary Committee, as it happens, has a number of members with a strong penchant for travel and with substantial mileage records; the main legislative rationale is the committee's jurisdiction over immigration and naturalization. One member of the committee told me recently that two of his colleagues were organizing a trip to take place during the recess to Yugoslavia, Czechoslovakia, Hungary, and Rumania, with a stop in Naples on the way over and one in London on the way back. "They're having a little trouble," the man said. "Ron Mazzoli is scheduled to go." Romano Mazzoli is a Democratic representative from Kentucky who is in his fourth term in the House. "Ron's not a junketer. He's giving the others a hard time about scheduling. He wants to make sure that they schedule plenty of work sessions. That indicates the nervousness around here."

Every two years, in the summer, members of three committees in the House and three in the Senate go to the Paris Air Show, where aerospace industries and military services from around the world display their new wares. Preyer said at our lunch, "This year, we briefed the Armed Services Committee on what they could do about gifts. The hospitality used to be pretty grand: defense contractors would rent Versailles. I don't think the members had as good a time this year as they used to."

WHAT Tongsun Park did wasn't difficult—at least, not so far as the strictly social side of it went. People tend not to stop and ask where the money for entertaining may be coming from, or why they may be being entertained. He did in exaggerated form what other ambitious hosts and hostesses do: made a few useful contacts, started with a few good names, and got a reputation for giving parties where good names turn up—a reputation that becomes self-fulfilling, as it draws other good names. Moreover, members of the House are not so sought after socially, as compared with Cabinet members or senators, and therefore many would be flattered to be invited by a man with a reputation for giving good parties that draw good names. "Tongsun Park had the reputation of being a fabulously wealthy rice man who was a social climber and gave good parties," Preyer told me. Park used another tested gambit: he got members of the House to co-sponsor his parties, and so gave other members the impression that it was all right, or even obligatory, to turn up. Associates of Tip O'Neill put it about that he attended Tongsun Park's parties—just two of them—only because John Brademas, Democrat of Indiana, a man who spent a good bit of time on the social circuit, told him that as Majority Leader he shouldn't spend so much of his time playing poker and eating at Duke Zeibert's restaurant with his House cronies, that he should appear on the social scene. Tongsun Park gave a party in honor of O'Neill in December, 1973, which was co-sponsored by two House members and attended by six Cabinet officers and then Vice-President Gerald Ford. A gift of two pewter hurricane lamps was presented to O'Neill by another member of the House. At a party O'Neill attended a year later, he was presented with a set of golf clubs by still another member of Congress.



A questionnaire sent out by the House Ethics Committee during its Korean investigation has raised all sorts of problems. Members say that it failed to make appropriate distinctions and so led to unfair treatment in the press. And those who were engaged in illegal behavior, they maintain, were not likely to admit it on the questionnaire. The big problem was with the last question. It asked whether a House member or any member of his family or his staff had ever received a gift worth more than a hundred dollars from Tongsun Park or from four other Koreans named in the questionnaire, and whether they had ever had any commercial dealings with, or attended a party given by, Park or the other Koreans. One House member said, "That's like asking, 'Did you ever rob a bank or have any traffic violations?' " On July 11th, the *Times* ran a lead story headlined "ETHICS PANEL FINDS MORE CONGRESSMEN TOOK KOREAN FAVORS," and the subhead was "115 Apparently Are Involved." Included in that number were members who had attended just one party given by Tongsun Park or by any of the others mentioned in the ques-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tionnaire. Several members have been the subjects of incriminating headlines back home as a result of admitting that they attended such a party.

Max Baucus is a thirty-five-year-old Democrat from Montana and a member of the "sophomore" class in the House—the group of seventy-five new Democrats who were elected in 1974, the first post-Watergate election. Only two of them were defeated in 1976. The sophomores are, by and large, progressive and hard-working, and since most of them come from "swing" districts—districts that were formerly held by Republicans—they have exceptionally sensitive political antennae. The sophomores, along with a number of freshmen, have been pushing the leadership on questions of reform, and have been upset about the appearance that the Korean investigation is not being conducted as zealously as it might be. They weren't in Congress when the South Korean government was particularly active in spreading its largesse on Capitol Hill, and they are eager to clean up Congress's reputation. "None of us were connected with the Korean scandal," Baucus said to me in a recent conversation. And then he talked about the general attitude of his congressional class. "The starting point for me is that the generation I came in with was fairly idealistic," he said. "The members of our class are still pretty close, and we want to raise the image of the Congress—not just because it would be good for us politically but also because that's one of the reasons we ran."

John Anderson, of Illinois, is the chairman of the House Republican Conference—a position that makes him third in his party's leadership in the House. In his politics, he is more moderate than most of his party colleagues there, and he is generally regarded as one of the more thoughtful members of Congress. "Mr. O'Neill was widely praised for getting Congress to adopt a code of ethics in exchange for the pay raise," Anderson said to me not long ago. "But it excited a good deal of resentment in many members of Congress. They are particularly upset by the distinction made between earned and unearned income. They were legislating under the gun. In addition, since House members have to run for reëlection every two years, they are afflicted with the feeling that one bad story and we can be blown out of here by our opponent. So the bad mood you sense up here comes, first, from the fact that we were forced to buy a code of ethics many feel is inequitable, and, second, from a vague feeling of alarm that there is a correlation between all the polls showing us low in public esteem and the willingness of the public to accept any charge against Congress as true. The Korean thing hurts me, because the whole institution is surrounded by a miasma. Members feel unwanted, unloved, and unappreciated, and now they are assumed to be crooks. I point out to people that Mark Twain said that Congress is our only 'distinctly native American criminal class,' but knowing that there is a tradition of criticizing Congress doesn't help very much. It doesn't assuage the injury. We covet the honor that ought to go with the title of being representatives of the people. We have to deal with public perceptions, and that calls for a rigid, unbending code, as opposed to the test of the burden of proof that has to be applied in a court. In Congress, if there is a scintilla of evidence against you, you can be defeated at the polls. Another problem is how such a body is to police itself. I'm not so unfeeling as not to realize that John Flynt"—the chairman of the Ethics Committee—"has to walk through the Speaker's lobby and rub shoulders with everyone he's sitting in judgment on. His committee is not like a jury—they see the other House members in the cloakroom and the restaurant and the gym."

One can get conflicting answers on Capitol Hill to the question whether standards in Congress have actually slipped or the public demand for higher standards has simply increased. Member after member will tell you that Daniel Webster, after all, accepted fees for services rendered in Congress. The late Everett McKinley Dirksen helped build a flourishing law practice in Peoria, Illinois, at the time that he was Minority Leader of the Senate, but this was generally accepted in Washington, especially by the press, and Dirksen was regarded as an amusing rogue. Some members argue that the standards of 1977 are being applied retroactively to the behavior of a few years ago, when standards were different. Many of the more senior members view the freshmen and sophomores as "piranha-like," to quote one. Still, Anderson, among others, cites "the little ways" in which standards have slipped. "Campaign costs have become very large compared to what they used to be. And a lot more special-interest money has come our way as a result of the public financing of Presidential

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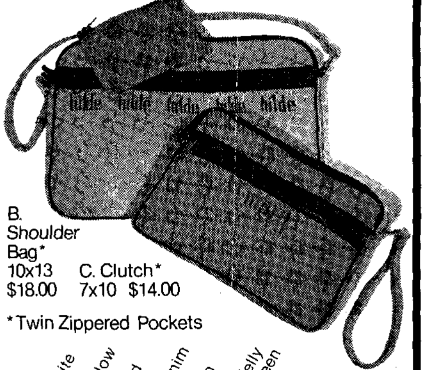

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campaigns. Because of inflation and the increased cost of campaigning, it's easy to rationalize—to say, 'I'm not going to be compromised, and I do need the money.' So it becomes easy to take it. The entertainment, the free airplane rides—the living has been easy. We haven't been willing to accept the life style that would cause less linkage between the special interests and government. Still, I've been somewhat shocked at what a low opinion the people do have of us. It's been a very disillusioning experience. I'd be the first to concede that some heroic action on the part of Congress is needed. That's why I voted for the ethics code. There had to be a sacrifice at the altar."

DAVID BOWEN is a forty-four-year-old Democratic member from Mississippi, who thinks, as he said to me recently, that "the ethics business is getting completely out of hand." He said, "There seems to be a national crusade—at least in the press—that congressmen should have higher standards than doctors, lawyers, businessmen. I've been in other ways of life. I don't think I've seen higher standards than in Congress. In the aftermath of Watergate, there's a kind of national witch hunt going on. There's a public presumption that campaign contributions are wicked. There's a presumption that foreign travel is wicked, even though it's necessary in our work. You could consider saying that you shouldn't get support from people over whom you have jurisdiction in your committee work, but that's who contacts you. I'm on the Agriculture Committee. If I didn't get dairy money, cotton money, soybean money, and cattle money, where would I look? People say, 'What did they want when they made the contribution?' Well, I don't know what they want, but I'm going to make what I think is the proper decision. I'm going to vote for cotton, because there's so much cotton in my district. I'd do it if the cotton people didn't give me a nickel. And people forget that there are four hundred and thirty-five of us here and no one can buy us all off. The fact that a foreign country wants you to be sympathetic to it is no different from any other kind of lobbying. When you think of the foreign-aid bills, the arms bills, Country X has every right to lobby for good legislation. They want us to get to know their people and see their point of view and understand their needs. I've been to the Middle East, Taiwan, South Korea, Japan, Latin America, Europe, under the auspices of private foundations as well as

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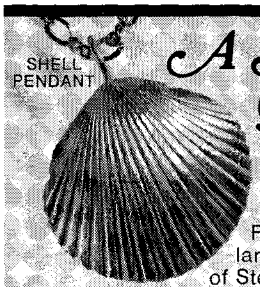

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with public funding.” In 1974, Congress prohibited its members from accepting travel at the expense of foreign governments, but in a number of nations foundations were established, with contributions from businessmen, to pay for trips there by members of Congress. Bowen said, “I think those trips have been of great value to me. The ethics fanatics want to put people in a germfree atmosphere. They want to isolate members of Congress from all kinds of outside contact. There’s no way. And take the question of outside income. There’s an assumption that if I clip coupons, that’s O.K. If I rent out the land I own, that’s O.K.; if I manage it, that’s not. We’ve gotten too far from the original idea: people are supposed to represent all walks of life. Some are supposed to represent banking, some are supposed to represent farming. That’s not harmful, as long as you have a variety of points of view. Now you have the view that people should be full-time politicians, and isolated, and we poor guys have to run every two years—put our heads on the chopping block every two years. What do we have to fall back on?”

I PUT to David Cohen, the president of Common Cause, the question how far the reformers want to push things. “Historically, there have been two strains in the reform movement,” he replied. “There are the punishers, and there are the people who are really trying to make things work and to correct imbalances. We’re trying to make things work. We’re trying to make it possible for members of Congress not just to be responsive but to lead. We’re trying to bring out the Edmund Burke in some of them—people who can think of the community as a whole. And in order to function well they have to be in an institution that’s respected. Part of the way you build respect for public service is to treat it as a decently paid job. Then, cutting people off from outside income and from receiving gifts from lobbies doesn’t cut off contacts—it cuts off dependencies. When you see where the money goes—the contributions and honoraria—it follows the committee jurisdiction. That’s a compromising situation. It’s not the contact, it’s the money.”

“POLITICIANS are pretty cynical,” Barber Conable, a Republican from upstate New York, said over lunch one day recently. Conable has made a practice of imposing more rigorous standards on himself than have been required by the House. He said,

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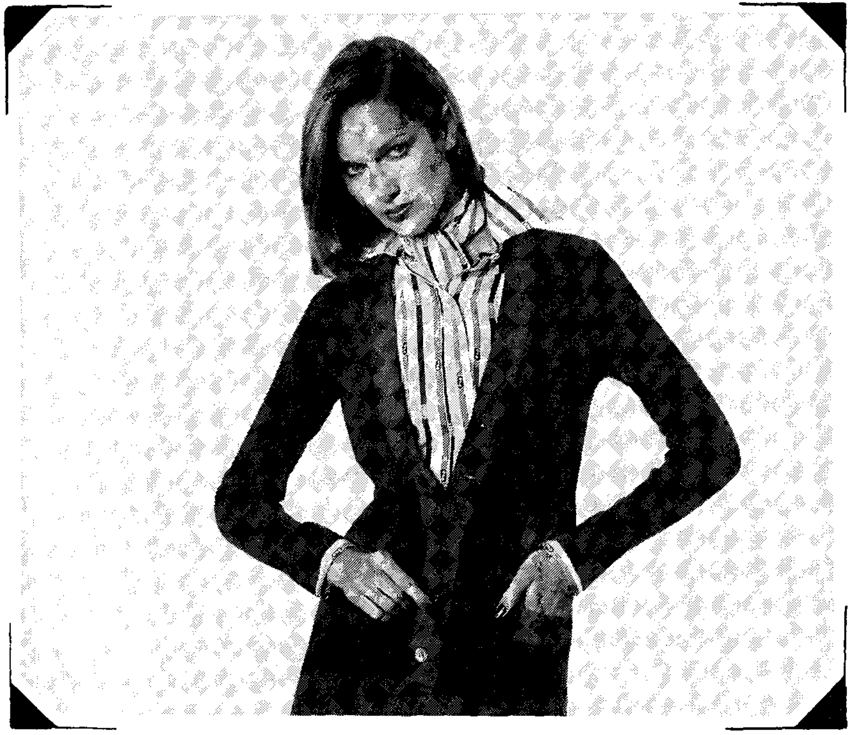

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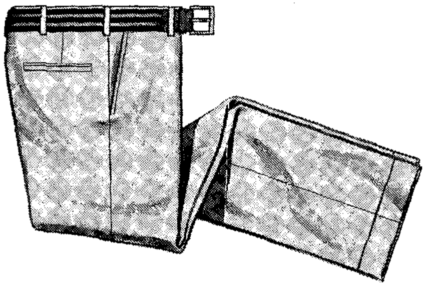

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"They see an ethics code as a real harassment for the honest people and something that won't affect the crooks. The problem is that we used to rely on the people's sense of smell to police this House. The theory was that anyone who was cutting corners would eventually be found out and the people would rise up and smite him. In other words, we put our faith in democracy. But that only works when the choice is viable. Now the people's sense isn't enough. The power of incumbency is so great that a Wilbur Mills can get reëlected after the Tidal Basin incident, a Wayne Hays can get renominated after the Elizabeth Ray affair, and Bob Leggett can get reëlected after he's admitted he's living with his secretary and forged his wife's name on a deed and had an affair with Suzi Park Thomson." Leggett is a Democratic congressman from California who admitted these things to the Washington *Post* last year. Mrs. Thomson is a Korean-born woman who used to work in the office of former Speaker of the House Carl Albert and who gave a great many parties, and she is a figure in the current investigation of the activities of the South Korean government. Conable continued, "There is so much distance between us and the people that the people aren't confident they can apply their standards to us. When Wilbur Mills or Wayne Hays misbehaves, the public cry goes up that he's only doing what everyone does. That being the case, we have to justify ourselves with a code of ethics. We have to say what the standards are."

JACK BROOKS, the chairman of the Government Operations Committee and one of the senior members of the House, sees it differently. Brooks, a Texas Democrat, has an agile mind and a foxlike face, which often wears an expression combining wariness and amusement. "I think that the voters in our districts are the people who should determine who comes to Congress," he said when we talked in his office recently. "I think that's what the Constitution provides, and I don't think members of Congress should be treated like third-class citizens. I think we've gotten carried away with passing legislation to restrict income, limit income from speeches, and require public disclosure of our assets and liabilities. I think it would have been fine to have us report our assets and liabilities to the Ethics Committee and then have that information stay there until some issue came up. It's all very interesting, but it's none of your damn business, and I

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don't want it put in the paper for everyone to nitpick over."

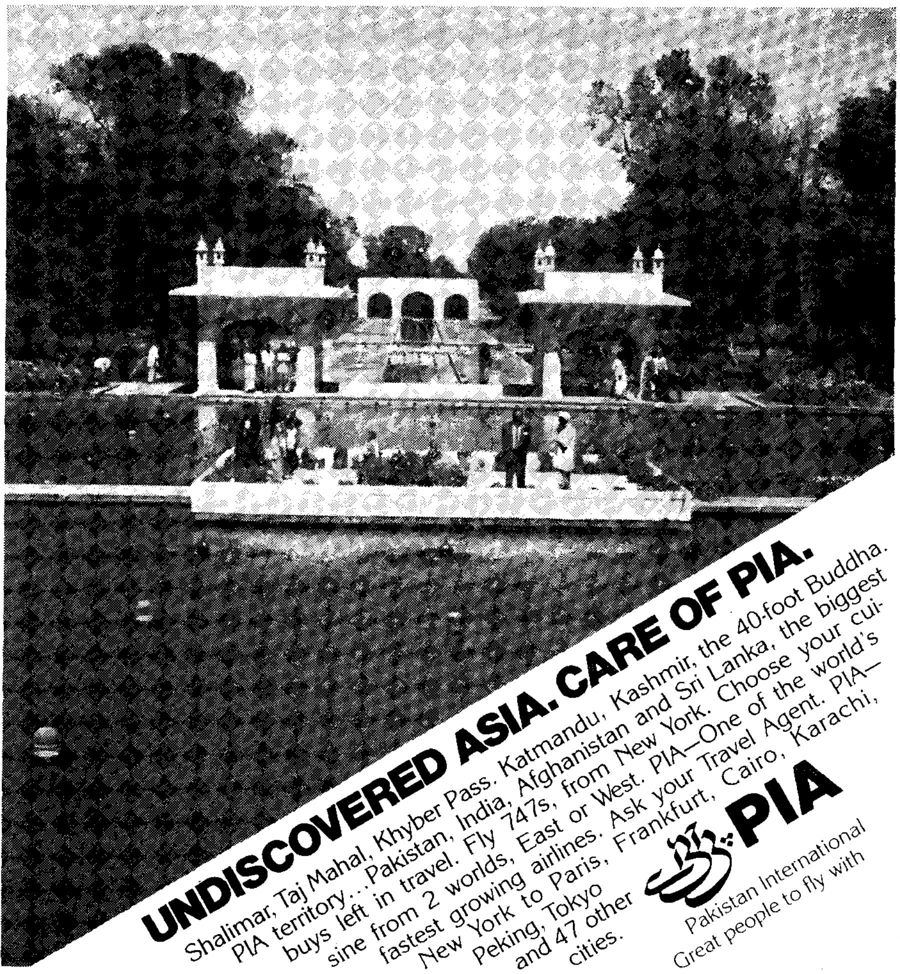
I asked Brooks why the House adopted an ethics code that, in his opinion, goes too far.

"Everybody just got a little hysteria," he replied. "They stopped working on Nixon and they started working on each other. The press coöperates. People don't like to read about congressmen working until seven at night. That's not interesting. Or about them coming in on Saturday for four hours. That's not very entertaining. Or that they take work home at night. And the press magnifies things. If a member has got an eyebrow growing out of place, the press is going to magnify it and say it's a tree growing out of his eye. I guess Congress is to some extent guilty in trying to prove it is holier than thou. It's not just the press. There are members who seem to think they're joining the priesthood instead of the world."

FINALLY, I put some questions about the ethics dilemmas and the black cloud to Abner Mikva, a fifty-one-year-old Democrat from Chicago, who is in his fourth term in the House, despite the best efforts of the Daley machine. Mikva is of reformist bent, and he is also one of the most effective members of the House. I asked him about my impression that members of the House seemed to be in an especially bad mood of late.

"Yes," he replied. "They're cranky. They feel aggrieved that they have gone to great lengths to prove they are ethical and no one believes them. The same editorials are printed. The same cartoons are printed. There are stories about perquisites that many members don't even take advantage of. I don't know the way out. Once you set out to make reforms, there is an obvious agenda you have to follow or you lose your self-respect. We aren't getting any kudos or huzzahs from back home, but we can't walk away from it. The members said to themselves, 'I'm ethical. I'm for these reforms because I really believe in them, but it's also good politics.' Then it turns out it doesn't do them any good back home. But they can't turn it loose and still look at themselves in the mirror."

Mikva continued, "The people who are hit hardest by the changes are not the crooks, not the guys who would take a bribe, but the semi-ethicals—the ones who if you had business before the government and you asked their law firms to help you out in something



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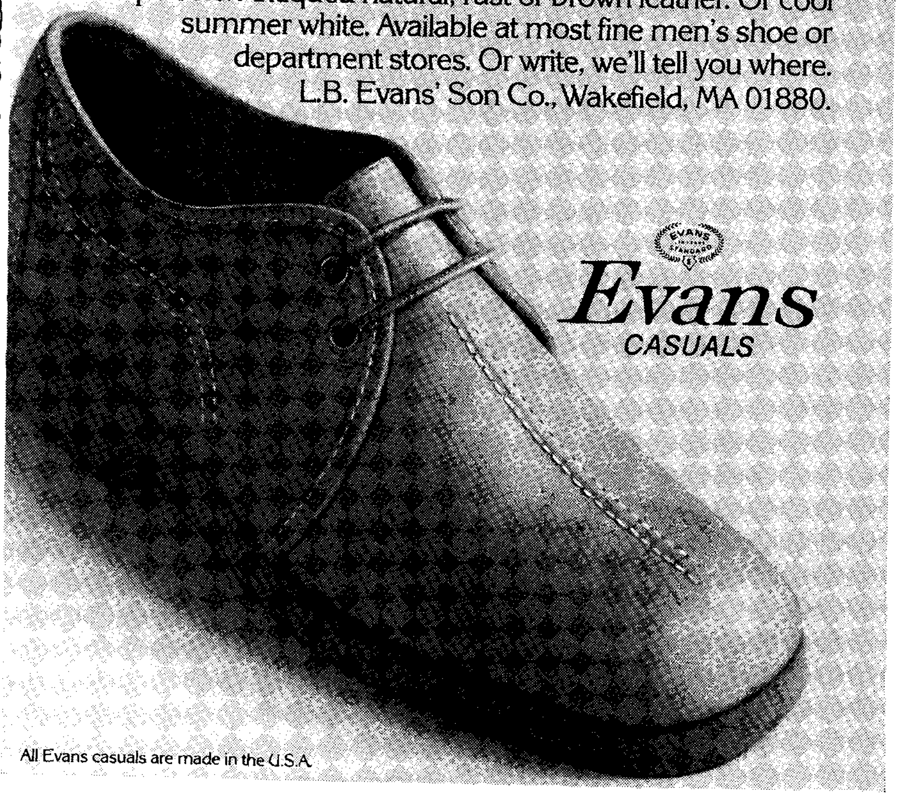

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would say O.K. The reason we had to limit outside income, and not just rely on disclosure, was that what we were going after was perception—our perception of ourselves, and the one held by the lobbyists here and by the press. Back home, most people see nothing wrong with members of Congress practicing law on the side. Here we know that practicing law on the side is a way of using your office for private gain. For our self-esteem, we had to cut it out. There is going to have to be a further distance set between campaign contributions and committee jurisdiction, and something will have to be done about people with banking interests sitting on the Banking Committee and people with radio interests sitting on the Commerce Committee."

I asked Mikva about the argument made by some of his colleagues that the founders of the country intended members of Congress to represent various walks of life. (Obviously, in the early days of the Republic the government's role was so much smaller than it is today that it was of an entirely different nature; moreover, all walks of life were not represented then, and still aren't.) He smiled, and replied, "That seems to be the part of the founding of the country they know better than any other."

As our conversation continued, Mikva, ordinarily a cheerful man, said, "I'm in a down. I feel unloved, unappreciated, unrespected. And we've done good things. It's a better Congress than before. We have better procedures. We have a better Speaker. We pushed through a Department of Energy in four months; it took Lyndon Johnson more than a year to get a Department of Transportation through Congress. We're passing a pretty strong energy bill. The House International Relations Committee just turned down the sale of AWACS [Airborne Warning and Control System] to Iran. It's incredible; that never would have happened six years ago. We have a tougher code of ethics than ever. We're taking up legislation in a more orderly fashion. We're certainly giving newer members a better opportunity than ever to get involved. But that's not how we're seen back home."

—Elizabeth Drew

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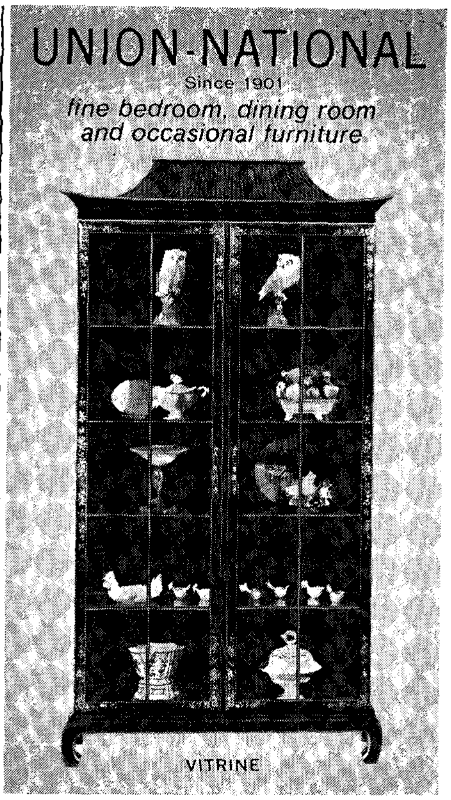
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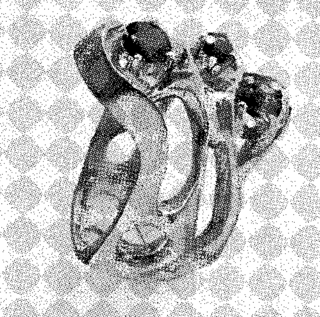
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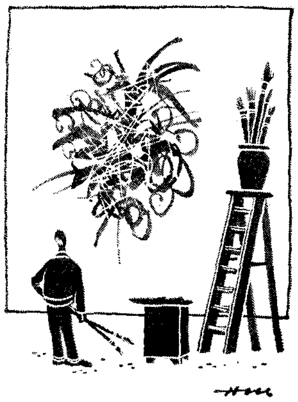
THE ART WORLD

Being Outside

THE artist is a member of a cultural minority because of the fact that he is an artist. Like other outsiders, he tends to drift into ghettos and is troubled throughout his life by the problem of assimilation. On the one hand, he is moved to end his segregation and reconcile himself to the ways of life of the majority; on the other, he is aware that the qualities that make him what he is are contingent on his separated state. For the artist, mingling with his fellowmen must be weighed against the depletion of his personal identity. He is obliged to conduct his relations with society—including the institutions set up by society to advance the cause of art—with extreme caution, as if he were involved in some sensitive diplomatic negotiation. To be too trusting is to risk losing everything.

The problem of the artist as a member of a cultural minority is sharpened when he is also a member of an ethnic or a social minority—when he is a black, a Spanish-American, a Jew, an American Indian—or when "he" is a woman. In sharing the situation of individuals who, like him, endure minority status but who are not artists, he marches under two flags, each of which marks him off from society in a different way. The artist's racial or sexual comrades are eager to achieve equality with the majority, and their leaders urge the priority of this goal upon all who belong to the common category. But to the artist social equality, though morally and practically desirable, is a mediocre ideal. Through art, he can transcend the condition not only of those who share his social disadvantages but of the fortunate majority as well. The notion that his interests are those of his social category is in his view a fiction. As an artist, he has a hidden being that is unique and will one day astonish the world. No conceivable expansion of female equality can achieve for the individual what has been gained by a Cassatt, an O'Keeffe, a Bourgeois through her own solitary efforts. For the artist, fulfillment of self consists not in marching in the ranks of liberators but in being entered in the roll of the Masters. The artist tends to find himself in the position of a deserter from his social group—or, at best, one who collaborates, with secret reservations. For he cannot persuade himself that becoming equal with non-artists, whether black, white, or red, Anglo-Saxon or Jewish, male or female, native or foreign, will satisfy his deepest desires. If his work lends support to his compatriots, it is on his part an act of philanthropy (if not of exploitation), and he is prone to take it for granted that his creations surpass and will outlast the social issues that are their subject. The pride of the minority artist (or, in the case of women, the artist with minority status) lies in rejecting the proffered adjective—"black" artist, "woman" artist—even when it entails special favors. He conceives himself as essentially *sui generis* and his social identity as a masquerade, to be thrown off when he has realized himself. At only one point does he feel himself joined to others of his kind: when that link threatens to exclude him from the company of art's immortals. Then he, like his brother who is denied a position to which he is entitled, feels the burden of social injustice.



The inner conflicts of the minority artist, the victim of a twofold alienation, come to life in the exhibition "Two Centuries of Black American Art," now at the Brooklyn Museum after showings in Los Angeles, Atlanta, and Dallas. Admittedly, the exhibition, of some two hundred items, has an ulterior purpose; that is to say, it is presented primarily to help bring about changes in the situation of black people in America. To thus put aesthetic standards in second place is for some critics a sufficient ground for dismissing the "Two Centuries" show as a whole. One is compelled, however, to wonder what those aesthetic standards are, and what they are based on, in a period when there are as many aesthetic systems as there are art movements. The principles that exalt Mondrian will hardly make much of Dali or de Kooning. Aesthetic propositions today are polemical instruments designed to further this or that philosophy or notion of what art is or ought to do. To speak of assessing the artistic merit of works, as if some underlying scale of values were in operation, is a pretense—and a threadbare one. It was on the basis of "fundamental values," rarely specified, that the masters of modern art, from van Gogh and Cézanne to Picasso and Matisse, were repudiated. Ready-made aesthetic standards—that is, standards that exist apart from insights into particular qualities—tend to be expressions of the taste, morals, and prejudices of dominant elements in society. Indeed, a primary motive for the "Two Centuries" show is the conviction that throughout the history of this country blacks have been discriminated against in the application of presumably universal aesthetic standards; the catalogue refers to "the narrow interpretations of works by black artists given by white critics" and to "the omission of their art from major American exhibitions." Apparently, aesthetics can function as a tool of racism. In any event, the so-called principles of art are a means of affirming the status quo within the loose coherence of taste by which the art world today accepts all anomalies. Whatever its aesthetic unevenness, "Two Centuries of Black American Art" is an important exhibition—one central to major issues in art today.

THE tactics of "Two Centuries" are similar to those of most cultural undertakings by groups conscious of being deprived. First among these tactics is to display the "contribution" of the particular minority, and so to elevate the group in the eyes of its fellow-Americans. Such demonstrations no doubt help to legitimize the group culturally and to increase public awareness of individual talents previously overlooked. The portraits of Joshua Johnston (1765-1830) and the landscapes of Robert S. Duncanson (1821-1872), who could be a stand-in for Thomas Cole, are cases in point. It will be more difficult in the future to omit these artists from the history of American painting. Granted that the power of an art show to augment the roster of American artists is limited—and that black art, like Jewish, Armenian, and other minority art in America, is destined to remain a specialty of already interested spectators for some time to come—increasing the prestige of a minority has the effect of counteracting prejudices ("myths") regarding its intellectual capacities and emotional character. In the case of blacks, one charge successfully refuted by the existence of black American art is that, as the New York *Herald* put it in 1867, "the Negro seems to have an appreciation of

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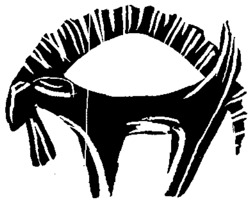
art, while being manifestly unable to produce it." To the question "Why are there no great black [Jewish, women] painters?" the minority show endeavors to reply "Oh, but there are!" and to supply the evidence.

Beyond these public-relations objectives, exhibitions of minority art are often intended to make the minority itself more aware of its collective experience. Reinforcing the common memory of miseries and triumphs will, it is expected, strengthen the unity of the group and its determination to achieve a better future. But emphasizing shared experience as opposed to the artist's consciousness of self (which includes his personal and unshared experience of masterpieces) brings to the fore the tension in the individual artist between being an artist and being a minority artist. This tension provides the theme of "Two Centuries of Black American Art" and gives the show a wide significance. Most black artists have chosen *not to identify themselves* with black people. The observation by David C. Driskell, the director of "Two Centuries," that black artist A "all but divorced himself from the social conflicts of his race" or that B "rarely dealt with the position of black people in American society" is the leitmotiv of the exhibition. Robert Duncanson "devoted himself to the cause of making art rather than to a cause that used art to convey a social message." To see art as a "cause" in rivalry with the "cause" of black liberation is to underscore the artist's conflict as a member of a dual minority. For Duncanson, Edward M. Bannister, or Henry O. Tanner, to become part of the black movement was to accept the imposition of a false identity. Through art, they had removed themselves from the paltry discriminations of poverty, race, and social status. The only hierarchy they were obliged to recognize was that of talent. In sum, they had escaped from their blackness into the universality of Western culture; what was left of their blackness was only the possibility of oppression by white bigotry. Duncanson received help from abolitionists in going abroad, but his contribution to the betterment of his race was limited to disproving the slander that blacks could not produce art. At the Centennial Exposition in Philadelphia, Bannister won an award but was denied admission at the front door because of his race. Not until the nineteen-twenties and thirties did black artists generally direct their attention to black subjects. Their studies of scenes in Harlem slums and in the cotton fields were, however, in line with American scene painting of the period, as exemplified in paintings of the Bowery and Coney Island by members of the Eight, of Union Square and bearded patriarchs of the East Side by Jewish artists, of migrants and the Dust Bowl by Midwesterners.



"Blackness" manifests itself in the "Two Centuries" exhibition in choices of subject matter and in mood. Black themes—manacled slaves, lynch-mob victims, Biblical redeemers, African physiognomical types—are fairly infrequent, especially in the nineteenth-century selections. Portraits are somewhat more intense and inward-looking than usual, and there is a bit more praying. The conflict in the black artist between his identity as an artist and his identity as a black artist keeps coming to the surface in choices of subject, as it does among contemporary women artists in the issue of "feminine imagery." Nineteenth-century landscape painting and modern abstraction automatically exclude black themes, yet black painters have done their best work in these modes. Alma Thomas, the eighty-one-year-old black woman artist from Washington, D.C., has brought new life to abstract painting in the nineteen-seventies.

EXCEPT in certain picturesque aspects, black art is not distinct from majority art; the complaint is that it has been insufficiently incorporated in the national tradition. Mr. Driskell makes the point that his show is devoted to "documenting the quality of a body of work that should never have been set apart as a separate entity." But if black art had not been "set apart" (save for its exclusion through prejudice), how could it have represented black experience? Actually, the Brooklyn Museum exhibition is a small-scale survey of the major phases of the history of American art—evidence that in their work black artists have not been kept out of the mainstream. Blacks have matched the general standard in the modes of art prevalent since Colonial times—in crafts, early-republican portraiture, Hudson River landscapes, genre painting, neoclassical sculpture, Impressionism, Social Realism, abstraction. To the extent that they have existed in art, exclusion and prejudice have affected individual careers but have not prevented blacks from expressing American life in art or becoming figures in American art history. Among the artists in "Two Centuries," some (Tanner, James Audubon, Horace Pippin) have achieved a secure place in American painting; others (Romare Bearden, Jacob Lawrence, Alma Thomas) are on their way to achieving it; still others (Johnston, Duncanson, Bannister), denied the recognition they deserve through the tendency of American museum officials and art historians to be guided by fashion rather than by critical insight, are likely to have their position improved by exhibitions such as "Two Centuries."

Black artists are, then, American artists who have been subjected to unfair treatment. But most artists in America have been victimized by bias and incomprehension. As an artist, Thomas Eakins got a worse deal from his fellow-Philadelphians for his advanced ideas about art and art teaching than his pupil Tanner did for being black. Evidence of the common despondency of artists in America is the tradition of expatriation or self-exile which existed from Colonial days to the depression of the nineteen-thirties. Artists since Duncanson, humiliated as blacks, have followed this tradition with added fervor. It is important to emphasize that the tense relation of black artists with American society, far from separating them from the mainstream of American art, has propelled them into the center of it. If the prestige of Tanner in the United States was stimulated by the honors he won overseas, this was no less true of Copley, Cassatt, Calder.

Black and white American artists have also been alike in their stylistic conservatism. Mr. Driskell wonders in his catalogue essay why the black American artist has tended "to reflect the more conservative and traditional elements." He goes on, "Those who would have the least to gain by maintaining the status quo are, more often than not, the staunchest supporters of values long since abandoned by the leading thinkers of the majority culture. A classic example is Henry O. Tanner, who disdained the radicalism of the Impressionists, the Post-Impressionists, and other innovative artists in France, preferring the academic haven of the salon." Mr. Driskell seems to have forgotten that a similar conservatism affected the tens of thousands of white Americans who studied in Paris in the days of the great radical art movements. Like his expatriation, Tanner's aesthetic cautiousness was typical

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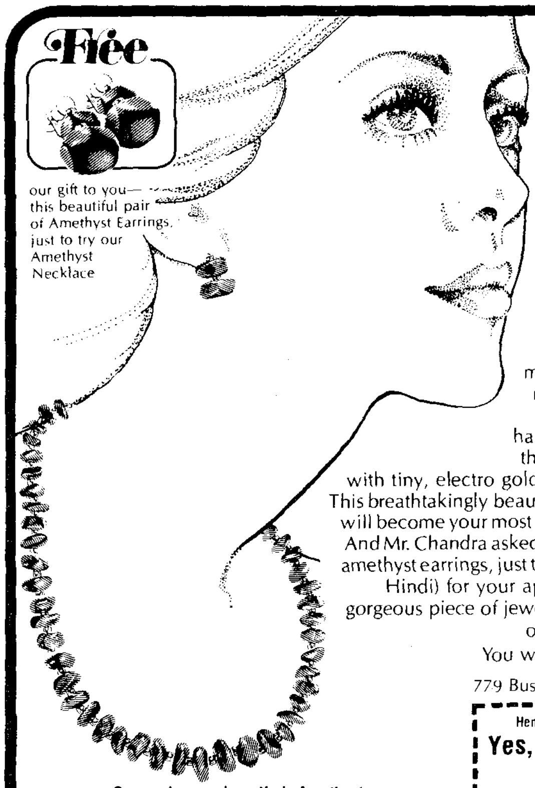
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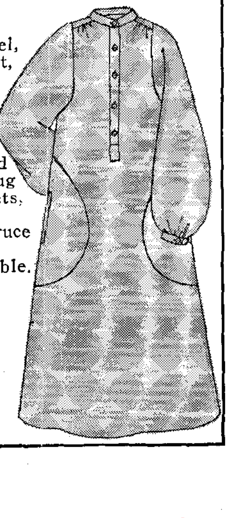

of the American artist abroad. Whatever his race, class, or country of origin, the American artist went to Paris or Rome to assimilate European forms, not to join in the Left Bank's revolt against them. Only when the modernist revolution had penetrated the United States itself, through the upheaval of the Armory Show and the cultural skirmishes of the twenties, did Americans begin to rid themselves of their academic fixation. In regard to the arts, Europe before the Second World War was the "majority" culture, and America a "minority" culture. Here again, black art has been in line with the national impulse.

The tension in the individual artist between being an artist and being a black artist cannot be resolved. Having reviewed the situation historically, Mr. Driskell takes the side of the artist as artist. In his opinion, placing art at the service of a social movement reduces the scope and meaning of the art more than it elevates the group. "Regrettably," Mr. Driskell concludes, "the artist has been intimidated by the implication that his art is trivial unless it is politically oriented." Theoretically, Mr. Driskell is no doubt correct. In the cultural revolution of the twentieth century, the individual is supposed to transcend the social category to which he belongs. But this revolution has not been accomplished either for minorities or for others, and individuals cannot purge themselves of their backgrounds and the demands that those backgrounds make upon them. For the black artist to strive to equalize his status with that of non-minority artists, as if the latter were at one with society, can only lead to black conformism. Contemporaries such as Bearden and Lawrence, with their tangential hold on blackness in their art, meet the dilemma of the minority artist much more creatively than did Tanner and Bannister, who saw their blackness as related to art only when they were personally subjected to discrimination.

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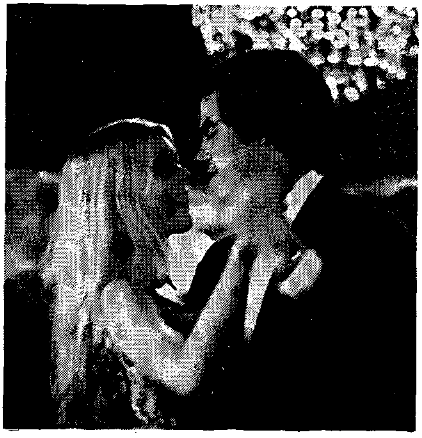

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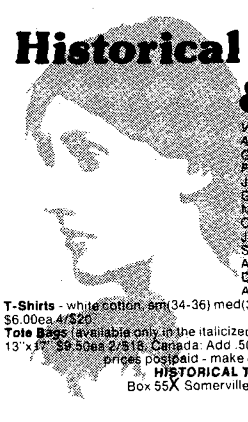

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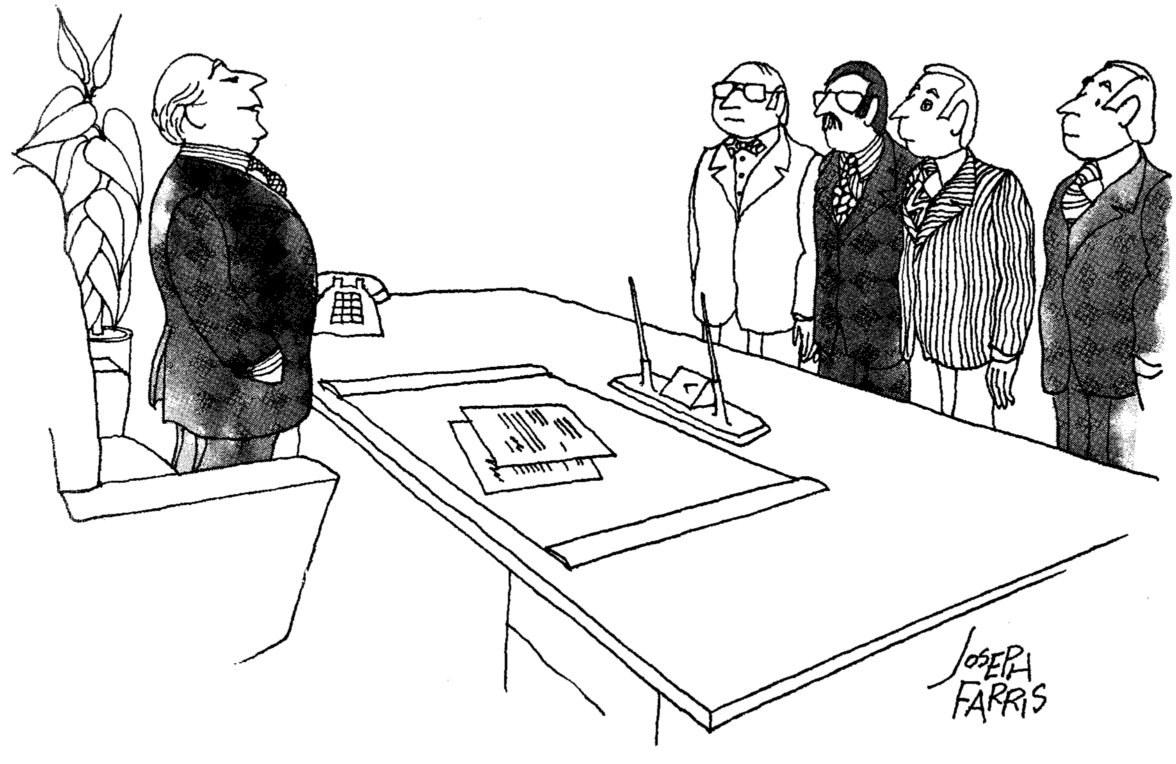
Who Wants to Know?

IN 1869, ten years after the publication of "On the Origin of Species by Means of Natural Selection," Alfred Russel Wallace, who first simultaneously and then coöperatively had developed with Darwin the theory of natural selection, became a heretic, on the issue of the human brain. "An instrument," he wrote, "has been developed in advance of the needs of its possessor. Natural Selection could only have endowed the savage with a brain a little superior to that of an ape, whereas he actually possesses one very little inferior to that of the average member of our learned societies." Darwin scrawled "No!" across his colleague's paper and wrote Wallace, "I hope you have not murdered too completely your own and my child;" but he did not speak to the issue, and the quantum leap of primate brain capacity, like so many other abrupt developments in the annals of so-called evolution, remains something of a puzzle. A modern paleoneurologist, Tilly Edinger, has stated, "If man has passed through a Pithecanthropus phase, the evolution of his brain has been unique, not only in its result but also in its tempo. . . . Enlargement of the cerebral hemispheres by fifty per cent seems to have taken place, speaking geologically, within an instant, and without having been accompanied by any major increase in body size." This explosive growth is reflected in the human infant, whose brain triples in volume within its first year, being at birth little bigger than the brain of a newborn gorilla. Now, a reader might expect, picking up "The Dragons of Eden: Speculations on the Evolution of Human Intelligence," by Carl Sagan (Random House), to find the Wallace-Darwin controversy remembered, and the marvellous, not to say problematical, aspects of the evolution of the brain speculated upon. If so, he will be disappointed. In spite of its subtitle, this book is not speculative at all, in the sense that Julian Jaynes' "The Origin of Consciousness in the Breakdown of the Bicameral Mind" is, or the late Loren Eiseley's "The Immense Journey," from whose middle chapters much of the provocative information above is drawn. Mr. Jaynes is concerned with human consciousness in the millennia of discernible cultural history, and Mr. Eiseley with evolution in general. The former is a philosophical psychologist, the latter was an anthropologist with a splendidly literary, rather Jacobean sensibility; both range easily outward from their specialties in search of original conjunctions and illuminations. The difference between them and Mr. Sagan, writing in an area adjacent to both, is the difference between synthesis and synopsis.

By profession, Mr. Sagan is an astronomer, with aspirations to being a popularizer. He has previously written on the planets for *Life*, and on "Life" for the Encyclopædia Britannica; he has edited a symposium on U.F.O.s, has composed several books on extraterrestrial intelligence, and helped design the curious plaque hurled into space with Pioneers 10 and 11. He also enjoys appearing on the "Tonight Show," exposing science to the fans of Johnny Carson. Versatile though he is, he is simply not enough saturated in his subject here to speculate; what he can do is summarize and, to a limited degree, correlate the results of scattered and tentative modern research on the human brain. The research, from electroencephalograms of dreamers to endocranial casts of fossil skulls, is in progress, and Mr. Sagan, like the rest of us, must wait for sweeping conclusions. "If this result is confirmed, it would be quite an important finding," he writes in one iffy spot, and, in another, complains, "Very little work has been done in this field to date." He speaks of "many potential near-term developments in brain chemistry which hold great promise both for good and for evil," shamelessly woolgathers about how "one day we will have surgically implanted in our brains small replaceable computer modules or radio terminals which will provide us with a rapid and fluent knowledge of Basque, Urdu, Amharic, Ainu, Albanian, Nu, Hopi, !Kung, or delphinese," and, in another connection, allows, "It does not seem to me that a crisp choice among these four alternatives can be made at the present time, and I suspect that the truth will actually embrace most or all of these possibilities." Well, one begins to wonder, what *has* emerged lately in the study of human intelligence that justifies the production of this book? The dust jacket shows a pair of semi-shaggy primates sitting at ease in a ferny Eden with



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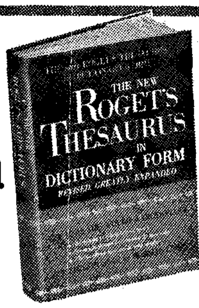

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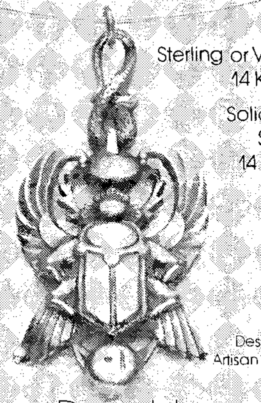

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what appears to be a pet dimetrodon, a pre-dinosaurian reptile that vanished over a hundred million years before the first primates appeared. The book's title also hints at a thematic center that is reptilian. Mr. Sagan asks:

> Is it only an accident that the common human sounds commanding silence or attracting attention seem strangely imitative of the hissing of reptiles? Is it possible that dragons posed a problem for our protohuman ancestors of a few million years ago... Or does the metaphor of the serpent refer to the use of the aggressive and ritualistic reptilian component of our brain in the further evolution of the neocortex?

No, yes, and yes indeed. "It is very difficult to evolve by altering the deep fabric of life . . . But fundamental change can be accomplished by the addition of new systems on top of old ones." The brain evolved outward, we are told. First, the very modest bulb at the end of the spinal cord which is all the brain a primitive fish possesses was improved, several hundred million years ago, by the elaboration of midbrain that is here called the reptilian, or R-complex; this, in turn, is enclosed in the limbic system common to mammals but undeveloped in reptiles; and the limbic system in man, dolphins, and whales is wrapped in a massive neocortex—about eighty-five per cent of the human brain is neocortex. This triune division of the brain, with its faint echo of Freud's id, ego, and superego, is described as a "view" held, on some anatomical evidence, by Paul MacLean, chief of the Laboratory of Brain Evolution and Behavior of the National Institute of Mental Health. It is difficult to discern Mr. Sagan's intellectual contribution to the exposition, other than poetic chapter titles like "Tales of Dim Eden" and piquant epigraphs like—for the chapter sketching the three divisions of the brain—"When shall we three meet again . . . ? (Wm. Shakespeare, 'Macbeth')." The expository pattern tends to alternate facts experimentally discovered by other scientists with personal extrapolations that seem loose, if not facetious:

> MacLean has shown that the R-complex plays an important role in aggressive behavior, territoriality, ritual and the establishment of social hierarchies. Despite occasional welcome exceptions, this seems to me to characterize a great deal of modern human bureaucratic and political behavior. I do not mean that the neocortex is not functioning at all in an American political convention or a meeting of the Supreme Soviet...

Now, there is a real point here, perhaps the central point; but we would like to know a lot we aren't told. How do reptiles manifest their domination by ritual and hierarchies? The chief instances of ritualistic behavior cited stem from the advanced mentalities of monkeys. Of the reptilian mind we are assured that "it is not characterized by powerful passions and wrenching contradictions;" reptiles are (surprise!) "cold-blooded." And where does the R-complex make its primitive vestiges felt in our behavior? Children and hebephrenic schizophrenes show imperfectly suppressed (and quite unspecified) ritualistic traits, and football players apparently display their genitals in locker rooms.

As to the neocortex, its regions, or lobes, have specialized functions; various brain-damaged persons can write but not read, can read numbers but not letters, can name objects but not colors. But topographical mapping of the brain is complicated by what seems to be a maze of cross-wiring and duplicate programming. Just as the invention of machines enhanced human appreciation of anatomy, the rise of computer science has shed light on the brain's storing and sorting of information. The presence of two surgically separable hemispheres, with certain specializations evolved from an original redundancy, has an analogue in space-program computerization:

> The engineers who designed the on-board memory of the Viking lander inserted two identical computers, which are identically programmed. But because of their complexity, differences between the computers soon emerged. Before landing on Mars the computers were given an intelligence test (by a smarter computer back on Earth). The dumber brain was then turned off. Perhaps human evolution has proceeded in a similar manner and our highly prized rational and analytical abilities are localized in the "other" brain—the one that was not fully competent to do intuitive thinking.

Mr. Sagan's speculations, where they are not cheerfully wild, seem tacked on and trivial. What is a non-trivial speculation? Well, when Desmond Morris, in "The Naked Ape," speculates that the rounded breasts of the human female are imitations of the buttocks evolved to reinforce frontal sexuality in our uniquely upright, social species of primate, we may be startled and dubious, but at least an anatomical anomaly has been explained in accordance with a coherent theory (a theory that also takes in armpit hair, red lips, and fleshy noses). When Julian Jaynes, in "The Origin of Consciousness in the Breakdown of the Bicameral Mind," speculates that until late in the second millennium B.C. men had no consciousness but were automatically obeying the voices of gods dictating, usually in metre, from the right halves of their brains to the left halves, we are astounded but compelled to follow this remarkable thesis through all the corroborative evidence he finds in ancient literature, modern behaviorism, and aberrant psychological phenomena such as hypnotism, possession, glossolalia, prophecy, poetry, and schizophrenia. When Mr. Sagan, however, speculating upon why such a vulnerable-making function as sleep should persist among highly evolved animals, suggests that sleep is a method of immobilizing "animals who are too stupid to be quiet on their own initiative," we feel that his guess is no better than ours. And his conclusion, on the final page of "The Dragons of Eden," that "we are unlikely to survive if we do not make full and creative use of our human intelligence" seems lamer than any even we might have produced.

When all this reviewer's R-complex resistance to Mr. Sagan's rather directionless display of neocortical dominance has been registered, it remains to say that there is much fascinating information here, amid the fluff of computer printouts, Escher lithographs, and vacuous editorializing on matters ranging from abortion law to government funding for scientific research. We read, for instance, that the elaborate but undeciphered click language of whales and dolphins may involve "a re-creation of the sonar reflection characteristics of the objects being described." We learn that Lord Byron had a brain twice the size of Anatole France's, that Orientals have slightly larger brains than whites, and that both Cro-Magnon and Neanderthal man had larger brains, on the average, than ours. An ingenious pictographic map of the cerebral cortex shows what a comically disproportionate neural importance the hands and mouth possess: according to this part of the brain, we are more thumb than leg, and more tongue than chest. Mr. Sagan is perhaps non-trivial when he speculates, "Upright posture, the use of tools, and the development of language have mutually advanced one another, a small increment in language ability, for example, permitting the incremental improvement of hand axes, and vice versa. The corresponding brain evolution seems to have proceeded by specializing one of the two hemispheres for analytic thinking." On this point he seems more plausible than Mr. Jaynes, who believes that language did not appear before 70,000 B.C. and that tool-making skill was transmitted

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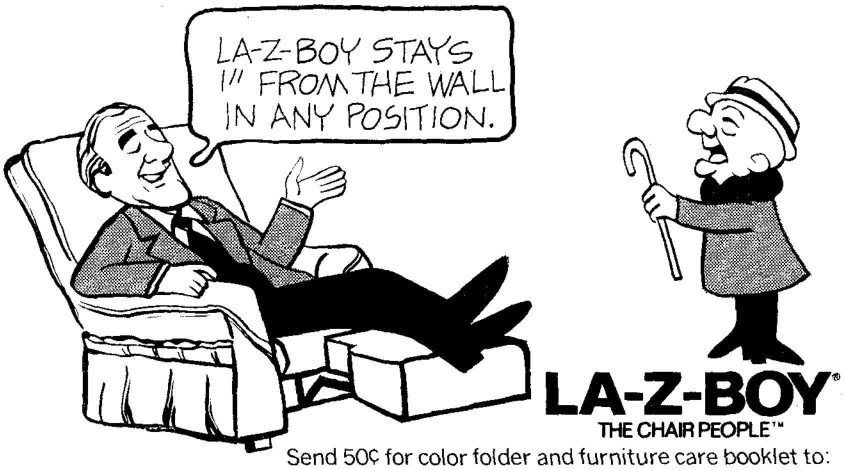
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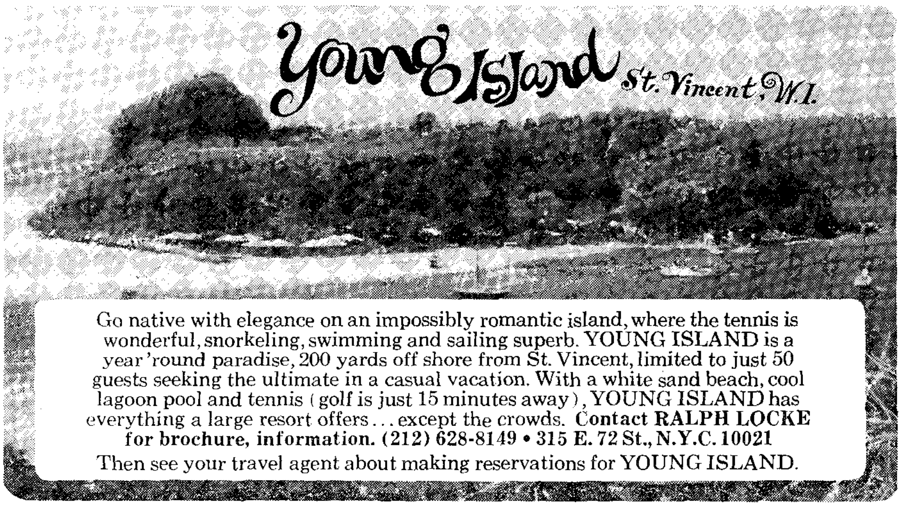

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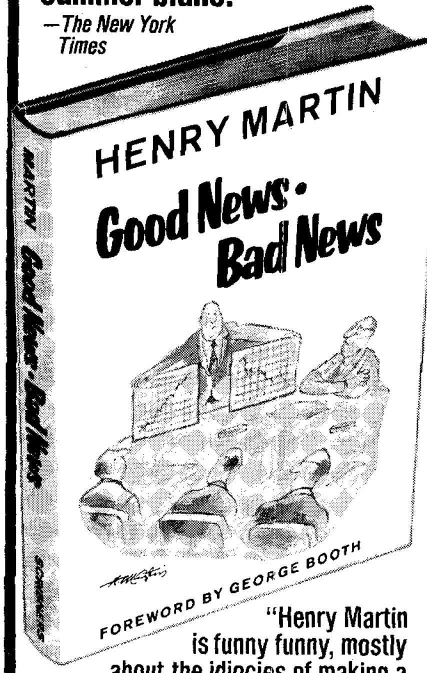

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entirely by imitation: "Consider that it is almost impossible to describe chipping flints into choppers in language. . . . It is the same problem as the transmission of bicycle riding; does language assist at all?" Consciousness, for Jaynes, is a kind of disaster—the gradual disruption of a paradise of bicameral automatism. For Sagan, it is a discrete anatomical unit, "perhaps . . . another component of the left cerebral hemisphere." Many of the brain's remaining mysteries need for solution mere wiring diagrams; a metaphysical halo lingers about the mystery of self-consciousness. A computer, after all, of sufficient complexity could handle the stimuli and responses of living without any component that says "I." But within the human—and, dare we think, the cetacean and simian?—brain there is a watcher, who always recedes, and who answers every question with another question. Mr. Sagan, a resolute disbeliever in any "mind-body dualism," waxes mystic in spite of himself when he recounts an "experience very like a Sufi or Zen parable":

> In one marijuana experience, my informant became aware of the presence and, in a strange way, the inappropriateness of this silent "watcher," who responds with interest and occasional critical comment to the kaleidoscopic dream imagery of the marijuana experience but is not part of it. "Who are you?" my informant silently asked it. "Who wants to know?" it replied.

—JOHN UPDIKE

BRIEFLY NOTED

GENERAL

WARTIME, by Milovan Djilas, translated from the Serbo-Croatian by Michael B. Petrovich (Harcourt Brace Jovanovich; $14.95). The former Vice-President of Yugoslavia, who was deposed and imprisoned, and now lives under a Yugoslav version of parole, for demanding more liberty and equality than Tito's regime allows, here gives us a first-person account of his experiences during the Second World War, when Yugoslav Communists waged a guerrilla war against the Germans and the Italians; a civil war against the Chetniks, who were loyal to the royal government in exile; a second civil war against the Ustashi, who were Croatian collaborators with the Axis; and a propaganda war against all non-Communist parties. At that time, Djilas was a true believer, who expected that all Yugoslavs of good will would ultimately see the rightness

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of Communism and the glories of the Soviet Union. Reality was something else. The Yugoslav peasants among whom he lived as a guerrilla had no politics; they had hatreds—sometimes against the occupying powers but just as often against other Yugoslavs, of different religious or ethnic backgrounds. Djilas's narrative is brutal; the multilateral cruelties of resistance and civil war occur among peoples as harsh as their terrain. Djilas makes the nightmare he lived through as vivid as if it were the reader's. His political observations are valuable, too, for his experience modified his mechanical Marxism.

BRIGHT STAR OF EXILE: JACOB ADLER AND THE YIDDISH THEATRE, by Lulla Rosenfeld (Crowell; $12.95). An account of the life and times of the author's grandfather, the famous Yiddish actor Jacob Adler (1855-1926). The story begins in Odessa, ranges the Russian countryside through which the young Adler barnstormed, moves to the slums of London's Whitechapel—his refuge when the czar prohibited Yiddish theatre—and at last fetches up on New York City's lower East Side, where he triumphed. Adler's career is the evolution of a natural star into a serious theatrical artist. The book is also a survey of the Yiddish theatre, which in less than a century made contributions to folk art, high art, and show business. The author's portraits of Adler's theatrical rivals, friends, and colleagues are generous and lively. The book's entire cast is volatile, passionate, reckless, intense, and glamorous—as hugely entertaining offstage as on.

MEMOIRS OF HEINRICH SCHLIEMANN, edited by Leo Deuel (Harper & Row; $20). This assemblage of Schliemann's books, letters, autobiographical notes, and reports on his excavations adds up to a self-portrait; we are given the story of Schliemann's dazzling odyssey from poor boy to merchant prince and international financier to amateur archeologist and discoverer of Homeric Troy—all from his highly subjective viewpoint. In the same way, we get Schliemann's side of the famous controversies he embroiled himself in and his assessment of the characters of the men who lined up against him and his theories. This is an absorbing book—Schliemann was a very readable writer—and it is abundantly illustrated, with maps, draw-

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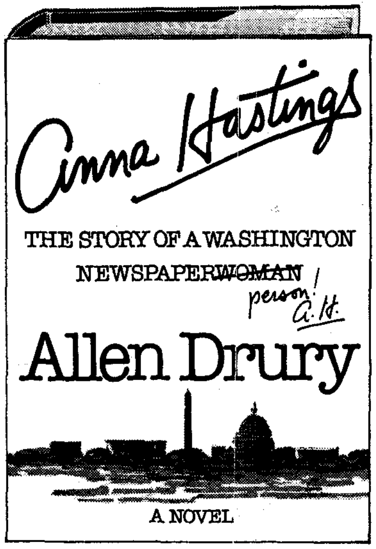

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ings, photographs, and engravings.

French Democracy, by Valéry Giscard d'Estaing, translated from the French by Vincent Cronin (Doubleday; $6.95). Though it is evident that the President of France composed this manifesto with voters in mind, he pays them the compliment of respecting their intelligence. Giscard wants France to accelerate its post-Second World War trend toward egalitarianism, and he urges the need for local self-government, as long as it does not fracture the country's unity. He argues for a mixed economy—a national, non-authoritarian plan—and for continued economic growth with more attention to quality than the French have so far paid. But, like many another European, he apparently finds it helpful to run against the United States.

One More July, by George Plimpton (Harper & Row; $8.95). One recent July—evidently in 1975—George Plimpton accompanied the veteran professional-football center Bill Curry on a car trip from Louisville, Kentucky, to Green Bay, Wisconsin, where Curry was to try one last time to make it as a Packer. Their tape-recorded dialogue, gracefully transcribed and full of lore from Curry's days with winning teams and losing teams, makes one wonder why so many sports books are ghostwritten when a good talker like Bill Curry can fill out a volume in a few days' ramble. For all the happy times he has had in the game, he plainly reveals that football is a quasi-military business that can devastate a man's ego. A less than obsessed fan might share the sentiment of an English girl Plimpton knew who asked, "Why don't they bring out a ball and give it to the team which doesn't have one? Wouldn't it solve everything?"

•

During the height of the annual summer spawning runs, Rollie Ostermick photographed a brown bear wallowing for salmon in a secluded Alaskan stream with a Nikkormat camera and 300mm lens.—*National Wildlife.*

And probably on assignment for *National Geographic.*

•

A hand grenade was discovered and later successfully detonated at McDonald's restaurant late Friday night.

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—*Kinston (N.C.) Daily Free Press.*

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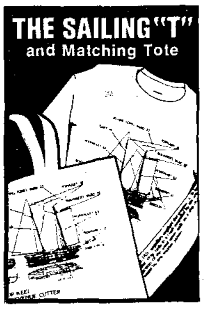

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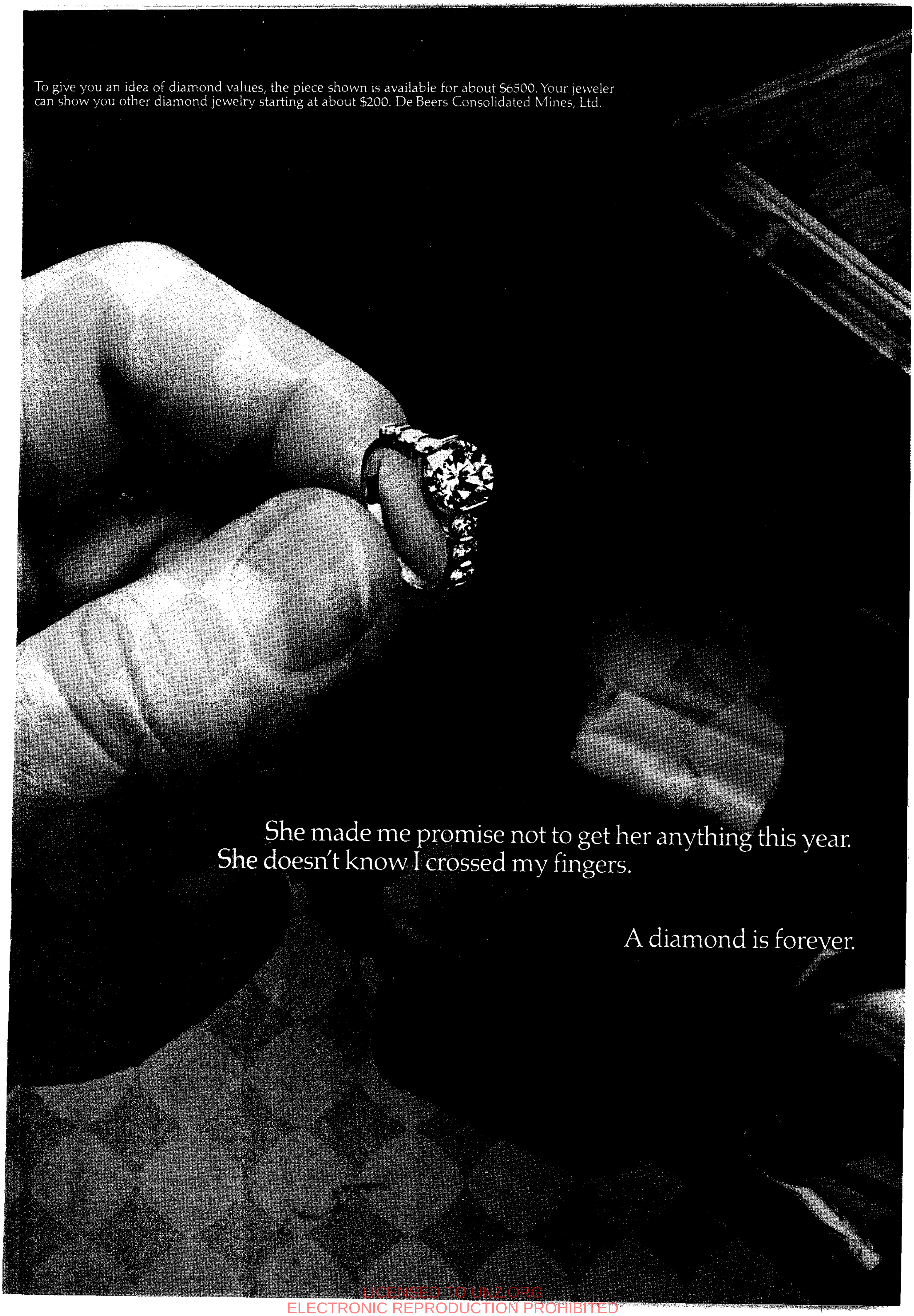

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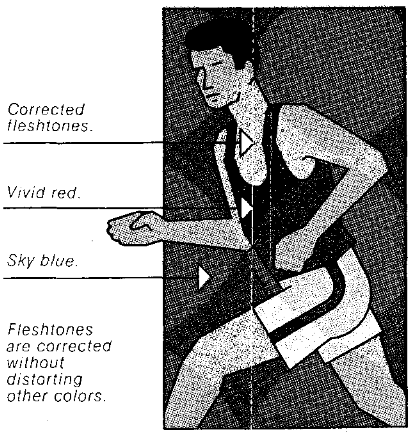
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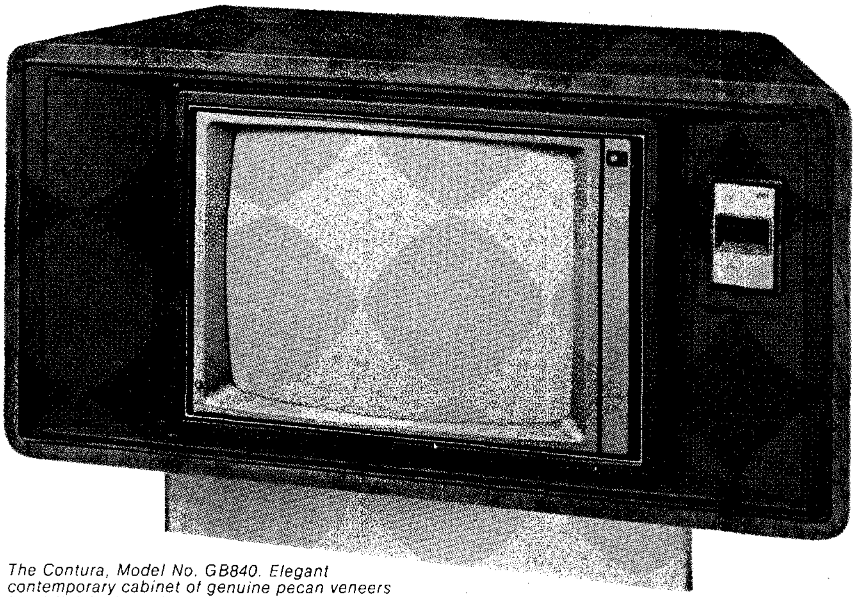

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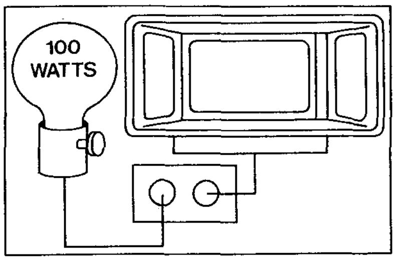

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